

# Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors

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NEWS BULLETIN 56th EDITION

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George L. Wagner, P.E., Member, Boise  
Raymond J. Watkins, P.E., Member, Coeur d' Alene  
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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.

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



## Board Member Highlights

### **Governor Appoints Dusty Obermayer, P.L.S.**

Dusty Obermayer of Rathdrum was appointed on September 3 to his first 5-year term on the Board. Dusty was licensed in Idaho in 2003, in Washington in 2009 and earned his CFedS credential in 2011. He is an active member of the Idaho Society of Professional Land Surveyors. He has over 19 years of land surveying experience and is currently the survey manager for T-O Engineers in Coeur d'Alene, ID. Dusty is originally from Troy, MT. He was honorably discharged from the Air Force in 1991 and went on to obtain his AAS in Land Surveying from Flathead Valley Community College in Kalispell, MT in 1996. He worked for an Engineering and Land Surveying company in Cody, WY but has been a resident of North Idaho since 2000, except for an assignment to open a startup Civil/Survey office in Florida in 2004. With his appointment, land surveyors now have a broad geographic representation with Dusty from North Idaho, Glenn Bennett from SW Idaho and John Elle from SE Idaho.

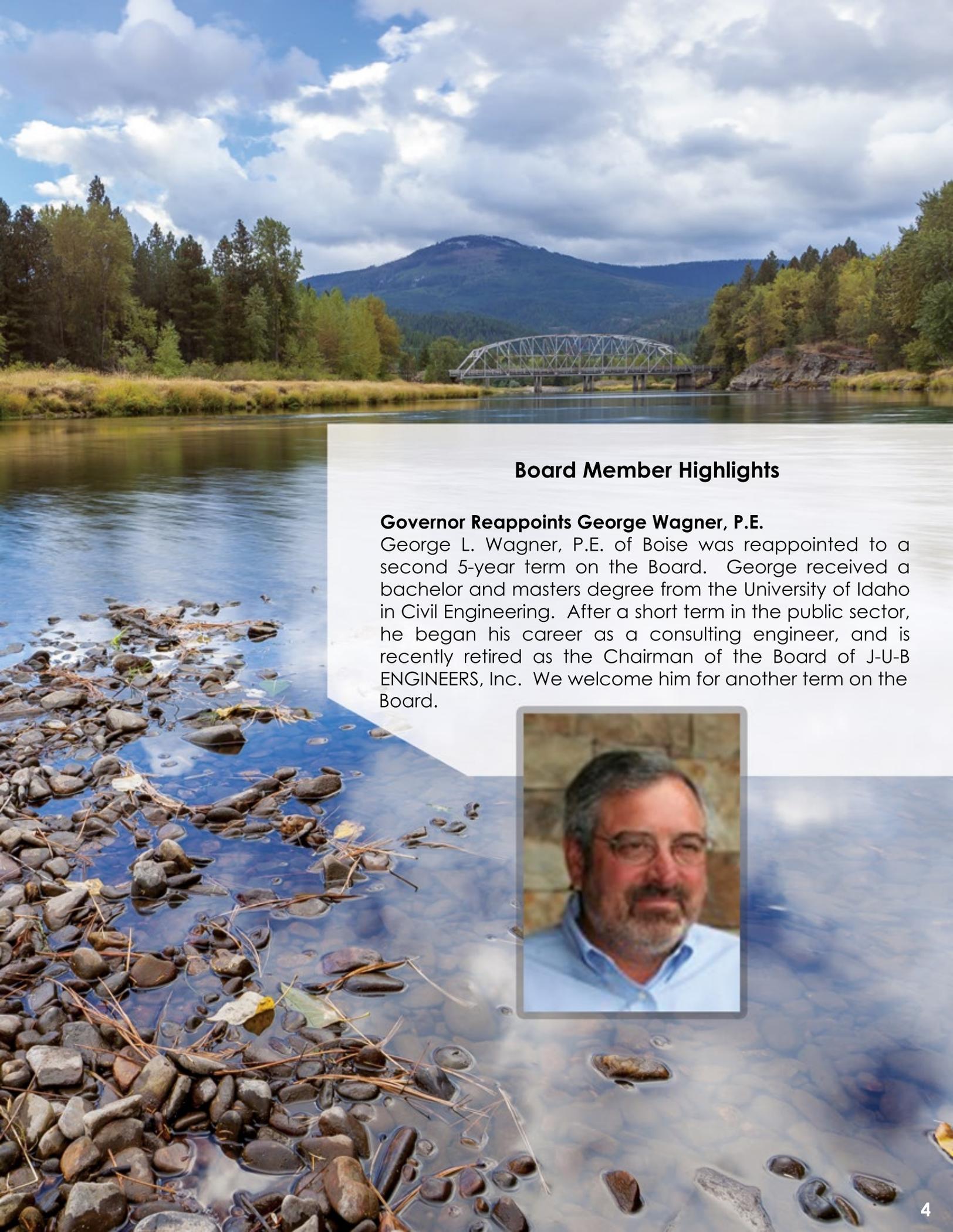
## Board Member Highlights

### **Governor Appoints Raymond J. Watkins, P.E. , LEED AP**

Raymond Watkins was appointed on September 3rd for his first 5-year term on the Board. Raymond has over 25 years of electrical design and engineering experience and serves as the president and principal of AEI Engineering Inc., located in Coeur d' Alene, ID. A resident of North Idaho for over 30 years, Mr. Watkins graduated from UI with a bachelor degree in Electrical Engineering in 1989, with subsequent coursework toward an MS and PhD. He began his career with Chevron where he obtained extensive training and knowledge of instrumentation, process controls, power distribution, and pumping systems. Raymond returned to Coeur d'Alene in 1995 where he continued his career in the consulting engineering field providing design expertise in water and wastewater systems, agricultural, food processing, industrial, educational, and commercial systems.

Raymond is an active member of several professional and community organizations including NSPE/WSPE/ISPE serving as Vice President and President of the WSPE Spokane Chapter and committee reviewer for the Carl M. Hansen Foundation Engineering Scholarships; Institute of Electrical and Electronic Engineers (IEEE) Third Millennium Medal recipient, serving as Section Vice Chair, Industrial Applications Society Chair and Section Treasurer, Spokane Section; National Fire Protection Association (NFPA); US Green Building Council (USGBC); Pacific Northwest Clean Water Association (PNCWA); Sunrise Rotary, Paul Harris Fellow, Coeur d'Alene, ID; Boy Scouts of America Leader; Coeur d' Alene Chamber of Commerce.





## Board Member Highlights

### **Governor Reappoints George Wagner, P.E.**

George L. Wagner, P.E. of Boise was reappointed to a second 5-year term on the Board. George received a bachelor and masters degree from the University of Idaho in Civil Engineering. After a short term in the public sector, he began his career as a consulting engineer, and is recently retired as the Chairman of the Board of J-U-B ENGINEERS, Inc. We welcome him for another term on the Board.



# Introduction



## **Board Approves Canadian PEng and UK Charter Engineer Licensing**

The Idaho Legislature concurred on a rule change in the last session that defined a new international comity license process. The rule authorizes the Board to approve the licensing system in another country as substantially equivalent to Idaho's. Once approved, the Board may authorize the waiver of prescriptive examination requirements if PE applicants have obtained eight (8) or more years of licensed practice in their country with no disciplinary actions taken against them. The Board passed a motion to approve both the Canadian and United Kingdom Chartered Engineer system as substantially equivalent. Applicants possessing a PEng or CE credential may apply for an Idaho PE license by comity without the requirement of 2-years of U.S. experience and the passage of the two licensure examinations (FE and PE), if otherwise qualified by education and experience.

## **NCEES Updates Online Features**

The National Council of Examiners for Engineering and Surveying (NCEES) will roll out many new features in March of 2016. They will update the Records format, offer online applications, streamline the license verification process and add a new feature that allows licensees to store their CPD records and make them available to every state licensing board. These new features will enhance the application and licensure process. Idaho will also make a rule change that will allow licensees to meet the CPD requirements of Idaho, or meet the requirements outlined by NCEES policy. Licensees will have one place to keep and store their CPD records and should have confidence if they meet the NCEES standards, they will not be in violation of Idaho's CPD rules.

## **Online Renewals for Business Entity COA's Planned for January**

Access Idaho has indicated the release of an online renewal option for business entities on our website should be fully operational by January of 2016. Certificate holders should check our website to validate it is up and running, but we expect it to be ready. New online features include payment of the annual renewal fee, updating address information, and changes to designations for licensees in responsible charge of the business entity. Certificate holders will not be able to change the name of their company online.

## Question 1 Do Easements and Lease Areas Require Monuments?

Idaho Code **55-1904(5)** says: Results in the setting of monuments that conform to the requirements of section **54-1227**, of Idaho Code, **at the corners of an easement or lease area.**

Further Idaho Code **54-1202** (11)(ii)3. Says: Locating, relocating, establishing, reestablishing or retracing property lines or **boundaries of any tract of land, road, right-of-way, easement or real property lease;**

Further Idaho Code **54-1227** says: Every licensed professional land surveyor is hereby authorized to make land surveys and it shall be the duty of each licensed professional land surveyor, whenever making any professional boundary land survey as defined in section **54-1202**, Idaho Code, that is not preliminary in nature, **to set permanent and reliable magnetically detectable monuments at all unmonumented corners field located,**

The above cited laws make me think that the Board was thinking about leases, most likely for a cell tower installation, and they must be actually monumented and a record of survey prepared and filed with the county. If that is the intention, I wanted to be able to say that for sure to all that are going to be asking the question.

In light of easements inside subdivision plats, do they need, have, to be monumented also?

Thank you for your time and consideration.

Land surveyor from Southern Idaho.

## Answer

Yes, the boundaries of easements and lease areas for cell towers need to be monumented and a record of survey filed with the county. Easements require monumentation as well.

## Question 2

I am very interested in the opinion of the Board vis-à-vis what recommendations they might have for me in trying to resolve this public welfare matter for the adjoining parcel owners.

The 2nd meridional line was used as a closing line in the latter of 2 GLO surveys whereby said 2nd meridional line was established in the earlier GLO survey. Consequently, all related shortage when closing on that line from the west during the latter GLO survey is calculated by the GLO and shown up against that line with government lots created along the east lines of sections 10 and 15.

Mr. Retired Surveyor was evidently not aware of that fact as he set the  $\frac{1}{4}$  common to 10 and 15 at the midpoint. I have searched for the original  $\frac{1}{4}$  corner set by the GLO but have not yet recovered it. Mr. Retired Surveyor's  $\frac{1}{4}$  corner is recovered in the field and being actively observed

by the land owners in section 10. This does not affect the land owner in section 15 directly but that  $\frac{1}{4}$  corner is the southeast property corner of Mrs. Landowner 1 in section 10 and she shares that corner with Mrs. and Mr. Landowner 2 to her east also in section 10. Mr. Woody is the land owner of everything in section 15 except for government lot 1 in the northeast corner of section 15 which is part of the Landowner 2 ranch mostly located in section 10. Problematic corners calculated by Mr. Retired Surveyor are not only the  $\frac{1}{4}$  corner common to 10 and 15 but also the east  $\frac{1}{16}$ th corner common to 10 and 15 which is a corner shared by Landowner 2 and Landowner 3. Mr. Landowner 3 has asked me for an estimate to set the 2 corners on the West line of government lot 1 in section 15 (a line he shares with Landowner 2) as he is currently engaged in fence building and working his way east to that line he asked for. If I set the east  $\frac{1}{16}$ th corner common to 10 and 15 am I also required to correctly set the  $\frac{1}{4}$  corner common to 10 and 15? If so, the appletart between Mrs. Landowner 1 and the Landowner 2 ranch will be upset dramatically which will probably result in litigation since we're talking about approximately 120 feet at said  $\frac{1}{16}$ th corner (and approximately 80 feet at the  $\frac{1}{4}$  corner location). This creates other serious overtones elsewhere in section 10 as well.



## Board Decisions



### Question 2 (continued)

If the Board would care to advise me on what they see as the best way to protect the welfare of the public when proceeding forward with a survey in Section 15 (which has never been retraced) I would be extremely grateful! I can't imagine the Board recommending that I set the east 1/16th corner midway between Mr. Retired Surveyor's 1/4 corner and the northeast corner of section 15 but I will do that if so advised by the Board in order to protect the welfare of the public. Can you also please provide me some sort of expectation in terms of when I might know anything more about what the Board might recommend?

Land Surveyor from Southern Idaho

Note that the Retired Surveyor is no longer around to be contacted, even though attempts were made to communicate a material discrepancy.

## Answer

He should do a diligent search for the original stone monuments at the one-quarter corner and section corner. He has already recovered Retired Surveyor's monuments and had looked 40' east of the one-quarter for the original stone. He then should verify that the corner Retired Surveyor shows for the southeast corner of Section 10 is the correct one and is not, in fact, the corner for Sections 11 and 14. He might want to look 250-300 feet north of Retired Surveyor's section corner and 150 feet north of Retired Surveyor's one-quarter corner. The bearing skew along the southerly boundary affects the corner locations and he should go search those areas.

He needs to set the one-quarter corner and any other of the corners in accordance with the rules and laws of surveying in Idaho, the BLM Manual and the Circular on Restoration of Lost and Obliterated Corners. Being concerned with protecting the public and not causing dissension amongst the neighbors in Section 10 is a good thing, but setting monuments along the common section line that differed from the Retired Surveyor's survey will have ramifications.

He should do a very thorough search for the original corners or evidence of them, a diligent search of the public record for deeds, maps, etc., look at case law on the subject and discuss the issue with local surveyors. When he thinks he has all the information he can find and has a clear understanding of what's there he should meet with all the land owners to discuss how best to resolve the boundary issues, which may end up deviating from their deed lines and require preparing new deeds. Whatever is decided, he should document it very well and put a narrative on his survey describing what he did and why so that is clear for future surveyors and property owners.



## Question 3, 4 and 5

Land surveyors have many obligations to their clients and the public when conducting their work. One obligation is to set monuments at property corners. Several questions have been asked recently related to this statute requirement. Question 3 relates to computed or calculated positions on records of survey and whether monuments are required at these positions. Question 4 relates to ALTA surveys and whether monuments are required when completing an ALTA survey. Question 5 is what is meant by “professional boundary surveys?”

## Question 3

A land surveyor from North Idaho asked - As to computed or calculated corners (on the ROS), there is no 'field location' of such corners. Section **54-1227**, reads:

*Every licensed professional land surveyor is hereby authorized to make land surveys and it shall be the duty of each licensed professional land surveyor, whenever making any professional boundary land survey as defined in section **54-1202**, Idaho Code, that is not preliminary in nature, to set permanent and reliable magnetically detectable monuments at all unmonumented corners **field located ...** (Emphasis added.)*

I surveyed the land but I did not field locate the corners. Why am I required to set a monument for a computed position, including those that do not define the corners of my client's property?



## Answer

In this instance, we need to examine the definition of "land surveying" as described in the pertinent sections of **54-1202**:

(11) (a) "Professional land surveying" and "practice of professional land surveying" mean responsible charge of authoritative land surveying services using sciences such as mathematics, geodesy and photogrammetry and involving:

(ii) Providing, utilizing or developing the same into survey products such as graphics, data, maps, plans, reports, descriptions or projects. Professional services include acts of consultation, investigation, testimony, planning, mapping, assembling and interpreting and gathering measurements and information related to any one (1) or more of the following:

3. Locating, relocating, establishing, reestablishing or retracing property lines or boundaries of any tract of land, road, right-of-way, easement or real property lease;

4. Making any survey for a division or subdivision or a consolidation of any tracts of land;

6. Determining, by the use of principles of surveying, the position for any boundary or nonboundary survey monument or reference point or for establishing or replacing any such monument or reference point;

If the land surveyor has "surveyed the land" (assuming the survey is a boundary survey), then he has performed at least one of the operations described in items 3, 4, or 6 above.



## Answer (continued)

The Board previously issued an opinion in News Bulletin No.18 (dated 7/92 p4) that says: “Based on the circumstances presented in a recent Investigatory Hearing, the Board expressed an opinion that a land survey monument was required to be placed at all corners that were on the boundary of property being surveyed. In that particular case, it was improper to calculate the position of a corner on the boundary of a property being surveyed and not monument the location of the corner.” The current Board reaffirms this opinion and offers further clarification. It is the opinion of the Board that Idaho Code **54-1227** and Idaho Rules of Professional Responsibility IDAPA 10.01.02.005.02 STANDARD OF CARE, taken together, require land surveyors to set monuments which conform to the requirements of IC **54-1227** at all corners of the client's property boundaries (including roads, rights-of-ways, easements and real property leases).

There are several exceptions to the requirements of this opinion:

1. In the case of the corner position falling in a location that is inaccessible (i.e. inside a building, or in a river or lake, etc.) and where the land surveyor has set a witness corner monument to define the location of the corner;

2. If the land surveyor finds all the corners have been previously monumented as shown on a public document such as a Record of Survey map or subdivision plat;

3. In the case where the land surveyor is hired to survey only a portion of the client's boundary – in this case, the land surveyor is required to monument the corners/lines of the property he was hired to survey.

This opinion may also have the effect of requiring the land surveyor to file a Record of Survey map if monuments are set during the survey (see IC **55-1904(3)**).

It is also the opinion of the Board that the standards referenced above, along with the purpose of the Record of Survey law (**IC 55-1901**), require land surveyors to set monuments at certain corners of Townsite Plats and “ancient” Subdivision Plats. Townsite and Subdivision Plats where the block corners were originally monumented but the lot corners were not, present a somewhat unique situation for land surveyors and the public. In this case, the efforts of the land surveyors to ascertain the locations of the block corners represent a public interest which should be acknowledged and preserved by monumenting these locations and showing them on a Record of Survey map.





## Answer (continued)

Finally, it is also the opinion of the Board that there may be circumstances where the land surveyor can show a calculated position for a corner without setting a monument. The Board cannot envision all the circumstances where this opinion may hold, and there is no general rule that can be developed to cover all the circumstances that may arise. However, the Board recognizes that several situations frequently occur where this opinion may apply such as:

1. when the land surveyor breaks down a section into aliquot parts and calculates section subdivisional corners which are not the client's corners and which are not Public Land Survey corners as defined in **55-1902(9)**;
2. When the corner position falls in a location that is inaccessible (i.e. inside a building, or in a river or lake, etc.) and where the land surveyor has set a witness corner monument to define the location of the corner;
3. when the land surveyor shows proportioned corner positions of lots that adjoin or are adjacent to the client's property in a subdivision
4. when the corner locations are mathematical representations of the corners described in deeds of adjoining or adjacent property owners (assuming the survey did not find monumented evidence of these corners);
5. when the corner locations do not pertain to the client's property and may be different than currently monumented (i.e. neighboring lot corners on a subdivision boundary where the land surveyor has determined the subdivision boundary corners to be different than those shown on the original subdivision plat);

## **Answer (continued)**

Land surveyors cannot simply compute positions for the client's property corners. They must monument those positions as well. Nor can land surveyors omit from their surveys and ROS corner positions and required monuments which define the client's boundaries. Land surveyors have an ethical duty to clients to make sure the property corners are monumented for the parcels/lots/holdings they are hired to survey.

Land surveyors also have an ethical duty to the public at large to perpetuate the evidence, and document the results of their surveys, by setting corner monuments and recording said surveys. These corner positions will affect and help determine corner positions on other parcels/lots/holdings in the vicinity. Oftentimes, corner positions located away from the client's property will determine the corner positions of the property being surveyed (i.e. section subdivisional corners, block corners and roadway intersection corners. Failing to properly search those locations, and simply calculating positions for those corners, may lead to positions in conflict with existing monumentation and result in multiple corner positions for the same corner, i.e. pincushions. In performing their duties, land surveyors directly impact other parties in the vicinity with the decisions they make. By monumenting and documenting what they do, land surveyors will better protect the public interest.



## Question 4

In 2011 I testified before or presented to the Licensing Board regarding the proposed change in state law regarding the definition of “land surveying.” Since the change was proposed to modify the surveying law to “...measuring the field location of corner...” Instead of “... setting monuments...,” I had two concerns relating to land surveying and the subsequent requirements of filing a Record of Survey:

1. When we do basic route surveying for government entities for possible pathways, bridges, roads, et cetera, we do tie in land corners/monuments. However the government entities often specifically do not want us to set monuments yet as the course may change several times over a period of a few years. Many projects will go on for years. I was concerned about the change in the definition of what a survey was and what we might have to do to comply with the law.

2. Our office performs ALTA land surveys for clients, particularly commercial and industrial clients that often do not want us to set monuments. They may be involved in their due diligence process or may not want the corners located for several other reasons. I have attached the ALTA survey option table that includes as option #1 setting monuments.

## Question 4 (continued)

During my presentation, the Board did try to respond to my concerns. For item number 1 above, they suggested that since the survey could be construed as “preliminary” in nature, that a Record of Survey would not be required until the project (or at least R/W acquisition) was completed. However they could not provide a good response to my second question, other than the same answer – mark the ALTA survey as preliminary. That is not an option, as a lender will be making lending decisions on the survey and will not take a preliminary survey as a survey. We could file a Record of Survey on the boundary without monumenting the corners and call the ALTA survey completed, but that is counter to the requirements of **54-1227**. If we simply provide the ALTA survey as “final”, our obligation is to set monuments and probably record a survey. If we do not immediately record the survey, we may or may not know if the land transaction is ever completed or if it just goes away – both certainly happens.

I am asking to see if this has come up before (at least since the law has been changed) and if there is a recommendation on how to handle this? I do not recall these specific situations being covered in any of the Board's bulletins.

Land Surveyor from Southern Idaho

## Answer

Taking all the pertinent Idaho Code references and ALTA standards together, the land surveyor who performs an ALTA survey is required to set monuments and file a record of survey (unless all the monuments already exist as shown on a previous ROS). The rationale is as follows.

1. Applicable ALTA standards
  - 3.B requires the land surveyor to comply with all State laws & rules which may be more stringent than the ALTA standards
  - 3.D requires boundary lines and corners... shall be established and/or retraced...
  - 5. Field Work - requires an "on-site" survey and inspection of the property to disclose all survey matters.

Note: Table A in the ALTA should be considered a generic form because some states don't require monuments and some do (Idaho). The table allows for the client to request corner monuments for those states that do not.

2. Idaho Code Definition of Surveying **54-1202(11)(ii)** 3,6,8
  - (3) locating or relocating property lines or boundaries of any tract of land or easement...
  - (6) determining the position for any boundary survey monument...
  - (8) preparing narrative land descriptions...
3. Idaho Code **54-1227** requires the land surveyor to set monuments at all "unmonumented corners field located"...



## Answer (continued)

This is the crux of the matter. The ALTA standards require the boundary lines and corners be established, whether they are monumented or not. Once the surveyor “established the boundary line or corner” in an “on-site” survey, has he “field located” the corner if he does not set any monument, stake or other marker? During the discussion of this addition to the code we were talking about land surveyors setting stakes, flags, etc., or land surveyors showing the client where the corner would be located in the field. In this case, the land surveyor is showing the client (by means of the map and improvements shown on the map) where the corner would be located in the field. As a result, the land surveyor is required to set monuments at corners that are not presently monumented.

4. Idaho Code **55-1902** (Record of Survey) defines a “land survey” as measuring the location of corners that:

- (a) Determine the boundary or boundaries common to two or more ownerships
- (b) Retrace or reestablish boundaries
- (c) Retrace or reestablish boundaries of public roads, streets, alleys or trails

It is clear that the act of performing an ALTA survey is defined as a “land survey” for the purposes of ROS requirements. However, if the ALTA survey depicts only monuments previously set and shown on prior recorded surveys, an ROS may not be required.



## Question 5

What is meant by “professional boundary surveys”?

## Answer

In 2015, the legislature changed the definition of land surveying to include survey work that is not considered boundary land surveying, such as topographic, geodetic, construction, route surveys, etc. The previous definition exclusively included boundary land surveying (the only survey work requiring a license was boundary land surveying). In order to make it clear that monuments are not required for survey work that is not boundary land surveying, it was necessary to change the wording as underlined in Idaho Code **54-1227** to read:

*“it shall be the duty of each licensed professional land surveyor, whenever making any professional boundary land survey as defined in section **54-1202**, Idaho Code, that is not preliminary in nature, to set permanent and reliable magnetically detectable monuments at all unmonumented corners field located.”*



## Answer (continued)

The section of Idaho Code referenced above is as follows:

**54-1202. Definitions.** As used in this chapter, unless the context or subject matter requires otherwise: It is intended that "professional land surveys" include:

(11) (a) "Professional land surveying" and "practice of professional land surveying" mean responsible charge of authoritative land surveying services using sciences such as mathematics, geodesy and photogrammetry and involving:

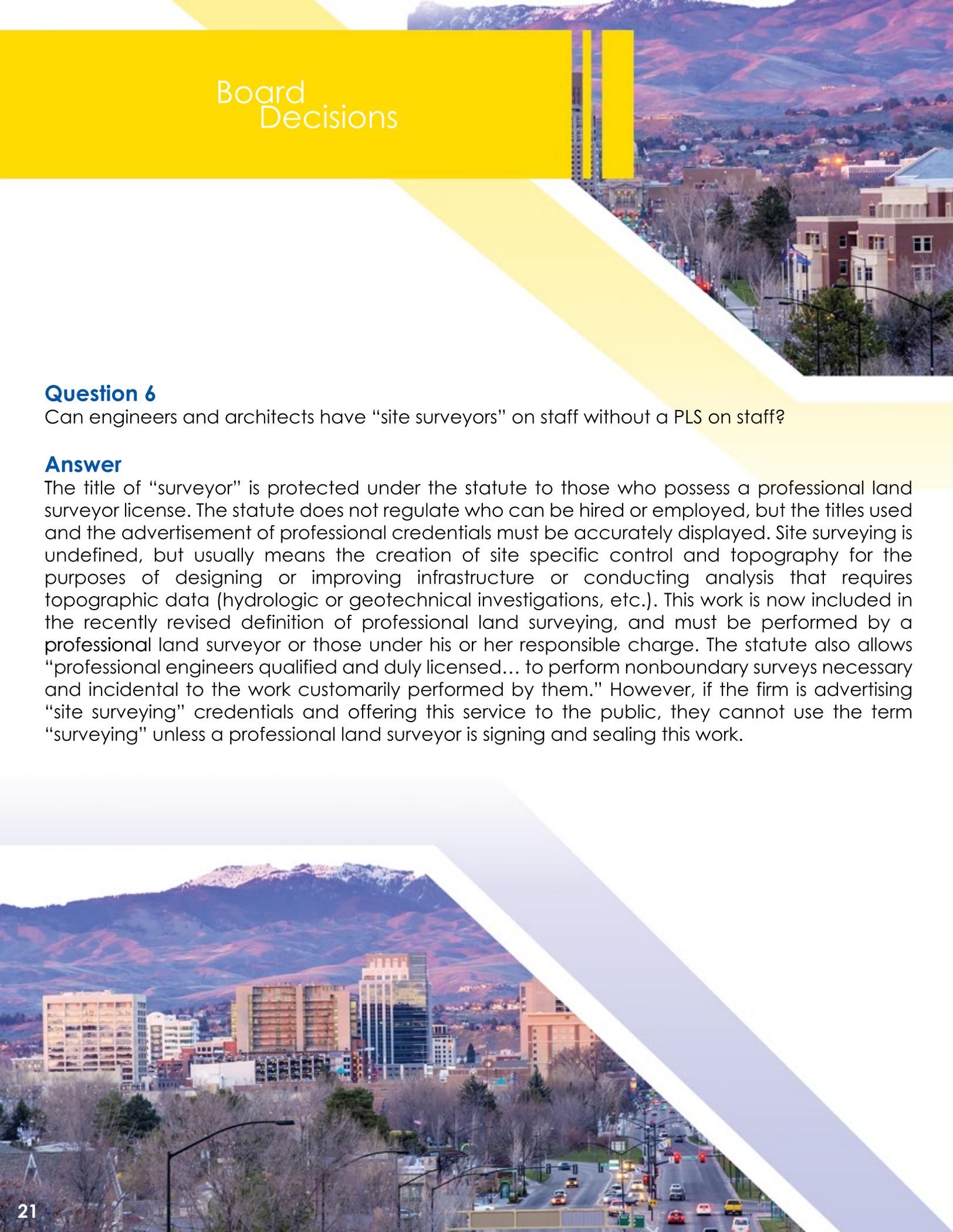
(i) The making of geometric measurements and gathering related information pertaining to the physical or legal features of the earth, improvement on the earth, and the space above, on or below the earth; and

(ii) Providing, utilizing or developing the same into survey products such as graphics, data, maps, plans, reports, descriptions or projects. Professional services include acts of consultation, investigation, testimony, planning, mapping, assembling and interpreting and gathering measurements and information related to any one (1) or more of the following:

1. Determining by measurement the configuration or contour of the earth's surface or the position of any fixed objects;
2. Performing geodetic surveys to determine the size and shape of the earth or the position of any point on the earth;
3. Locating, relocating, establishing, reestablishing or retracing property lines or boundaries of any tract of land, road, right-of-way, easement or real property lease;
4. Making any survey for a division or subdivision or a consolidation of any tracts of land;
5. Locating or laying out of alignments, positions or elevations in the field for the construction of fixed works;
6. Determining, by the use of principles of surveying, the position for any boundary or nonboundary survey monument or reference point or for establishing or replacing any such monument or reference point;
7. Certifying elevation information;
8. Preparing narrative land descriptions; or
9. Creating, preparing or modifying electronic or other data necessary for the performance of activities in subparagraphs 1. through 8. of this paragraph.

It is intended that "professional boundary land survey" include the above sections 3, 4 and 6 as requiring survey monuments.





# Board Decisions

## Question 6

Can engineers and architects have “site surveyors” on staff without a PLS on staff?

## Answer

The title of “surveyor” is protected under the statute to those who possess a professional land surveyor license. The statute does not regulate who can be hired or employed, but the titles used and the advertisement of professional credentials must be accurately displayed. Site surveying is undefined, but usually means the creation of site specific control and topography for the purposes of designing or improving infrastructure or conducting analysis that requires topographic data (hydrologic or geotechnical investigations, etc.). This work is now included in the recently revised definition of professional land surveying, and must be performed by a professional land surveyor or those under his or her responsible charge. The statute also allows “professional engineers qualified and duly licensed... to perform nonboundary surveys necessary and incidental to the work customarily performed by them.” However, if the firm is advertising “site surveying” credentials and offering this service to the public, they cannot use the term “surveying” unless a professional land surveyor is signing and sealing this work.



# Statute and Rule Changes

## Law changes proposed by the Board in 2015 for introduction to the legislature in 2016

There are four (4) sections of Idaho Code the Board seeks to modify this session as follows:

1. Add a definition for “retired” in **54-1202**, Idaho code which clarifies that licensees must elect retired status and cannot subsequently practice the profession once electing retired status.

2. The current statute requires all faculty teaching upper division engineering design coursework to have a PE license. A law change will authorize an alternate pathway to a PE license for engineering PhD faculty under **54-1214**, Idaho Code. Some faculty received their education in technical specialties that have no written technical PE examinations. The law change will authorize the Board to structure a process for an alternate pathway which will be established by rule.

3. Add provisions to **54-1222**, Idaho Code to clarify unlicensed practice is a violation and add a new \$1,500 civil penalty for enforcing unlicensed practice. The penalty is an intermediate step between sending a “Cease and Desist” letter and taking an individual to criminal court to enforce unlicensed practice provisions in the law. The Board must use the judicial process to enforce the new \$1,500 penalty as only a judge can enforce civil penalties upon non-licensees.

4. Add authority for writing rules under **55-1906** (Records of Survey) and **50-1304** (Plats). The Board continues to work with surveyors and the Idaho Association of Counties to clarify or establish new processes for electronic filing of documents. This process is driven by technology which changes periodically. The Board will work with stakeholders to establish these procedures by rule that should make updates to the processes easier as technology changes.



# Statute and Rule Changes



## **Rule changes pending with the legislature in 2016**

The Board identified two (2) rules to update. The Rules of Procedure have many technical corrections but the changes of substance include:

1. A new section on Minimum Boundary Survey Experience – which establishes two (2) years as the minimum required for obtaining a PLS license or for being assigned to the PLS examination.
2. An update to the minimum coursework requirements for non-accredited engineering or related science degrees to align with the NCEES credential evaluation changes adopted this year. The minimum coursework requirements must be met to be eligible for assignment to the PE examination. The changes add the biological sciences, reduce the mathematics courses, and increase the general education course options.
3. The survey education section is updated to include any 4-year degree accredited by any commission of ABET, Inc. (Engineering Accrediting Commission, Applied Science Accreditation Commission, or the Engineering Technology Accreditation Commission), as being unconditionally approved by the Board. This means surveyors who obtain a 4-year degree in surveying accredited by any commission of ABET will have their education credential unconditionally approved by the Board. Having this degree, applicants who also meet the minimum experience requirements are eligible for assignment to the PLS examination or a PLS license by comity (for those who have passed the FS and PS examinations).
4. A new section on Retired and Expired Licenses – which expands on existing language that clarifies the process for reinstating licenses, the CPD requirements that must be met to reinstate a license and fees associated with reinstating a license.

The Rules of Continuing Professional Development are changed to clarify the professional development hours required to reinstate a retired or expired license and to allow licensees to comply with either Idaho's CPD requirements or those published by NCEES policy. The intent is to make it easier for licensees in multiple states to comply with CPD as they should only need to comply with the NCEES policy standards, and not the requirements of every state. Each state must adopt a rule change as Idaho plans to do for this to work as intended.



## **Board meets with the Deans of Engineering and Surveying**

Each year the Board meets with the Deans of each university to discuss trends in enrollment, fundamentals examination pass rates, accreditation, faculty licensure, and related issues. The Deans from UI, ISU, BSU, BYU-I and NNU made presentations. We work to ensure our respective programs are in alignment and to solve problems of mutual concern. Angela Hemmingway, the Director of the new STEM program in the governor's office joined us for the presentations.

## **NNU Receives Accreditation for Engineering Programs**

NNU's Department of Engineering programs have officially achieved ABET accreditation. Achieving ABET accreditation is the culmination of an intense five-year process of program building, growth, assessment and evaluation to meet ABET's rigorous standards. "This ABET 'stamp of approval' ensures that the education offered in our NNU engineering program meets the international measure of high quality and that NNU's graduates are well prepared to serve at the forefront of engineering both here in the Valley and around the globe," said NNU engineering program director Dr. Stephen Parke. The Bachelor of Science in Engineering (BSE) program has 85 students enrolled with six faculty and two staff. It is a multidisciplinary program focusing on broad engineering fundamentals and liberal arts, and includes a choice of upper-division concentrations in electrical, mechanical and engineering physics. Northwest Nazarene University is a private university affiliated with the Church of the Nazarene, located in Nampa, Idaho.



# Education

## BYU-Idaho Offers Many Engineering Programs

BYU-Idaho offers AAS Degrees in engineering and engineering technology as well as BS Degrees in civil, computer, electrical, mechanical and software engineering. All engineering programs are ABET accredited (with the exception of software engineering). Over 2200 engineering or technology students are working toward degrees. Brigham Young University - Idaho is a private university affiliated with the Church of Jesus Christ of Latter Day Saints, located in Rexburg, Idaho.



BYU-I students displaying their senior project

## **Professional Land Surveyor Examinations Convert to Computer Based Tests**

The National Council of Examiners for Engineering and Surveying (NCEES) will offer the last pencil and paper PLS examination in April of 2016. All future examinations will be in computer based test (CBT) format and offered at Pearson-Vue Test Centers. The first CBT PLS examination is anticipated in October of 2016. Applicants must first apply to and be assigned by the Board before taking the PLS examination.

## **UI Offers PE Review Course in Boise**

### **Time**

12 three-hour sessions on Thursdays from 6:00 - 9:00pm, running January 14, 2015 through April 7, 2016 which includes a mock exam. There will be no meeting during the Boise school district's spring break. The State Board of Licensure for Professional Engineers and Professional Land Surveyors will be holding the state PE exam on April 15, 2016.

### **Location**

Classes will be held at the University of Idaho Water Center, 322 E. Front St, Boise, ID 83702.

### **Summary**

UI Boise has offered this 12-week Professional Engineering (PE) Review Course each spring for many years. It prepares engineers to take the PE Exam. We usually offer two PE tracks: Civil Engineering and Mechanical Engineering. Each three-hour session is delivered by subject experts.

### **Instructors**

Subject experts have been selected from local industry, universities, and government. Organizations include University of Idaho-Boise College of Engineering, Boise State University College of Engineering, The State Board of Licensure for Professional Engineers and Professional Land Surveyors, Tikker Engineering, and Mountain Home AFB.

# Examinations

## Who Should Attend

Engineers planning to take the State's PE Exam or those simply wanting to update skills and knowledge in the field of Mechanical and Civil Engineering.

## Textbooks

Instructor teaching materials will be given to you on a weekly basis. In addition, most people purchase the texts mentioned below. You will receive a 15% discount from PPI if you contact us for the discount code.

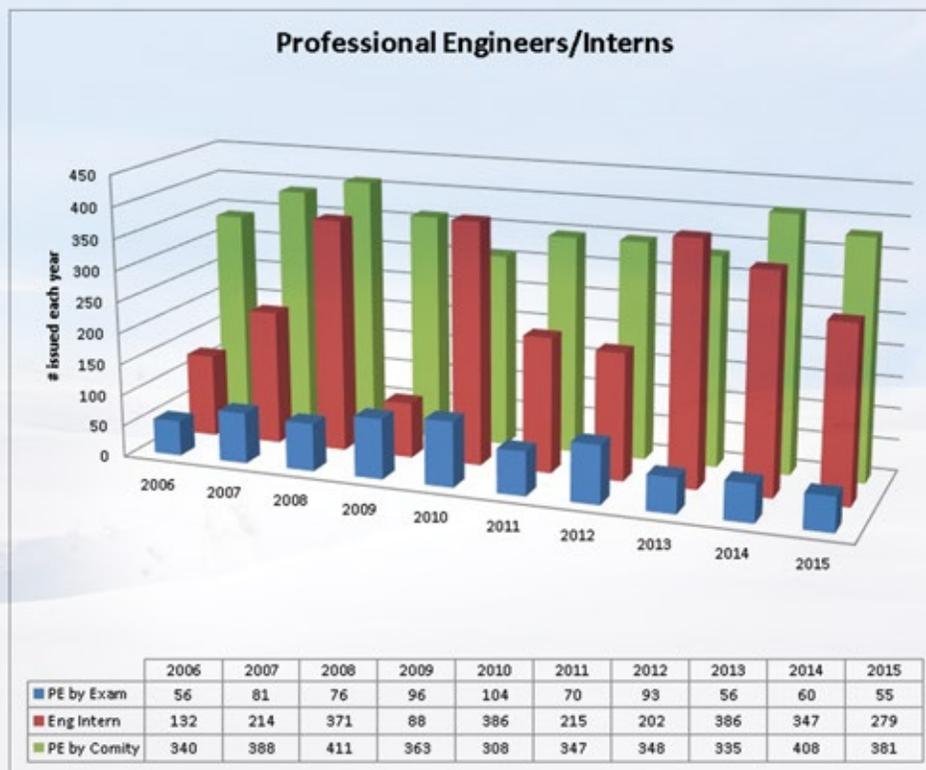
- Mechanical Engineering Reference Manual for the PE Exam, 13th edition, Michael R. Lindeburg.
- Practice Problems for the Mechanical Engineering PE Exam, 13th edition, Michael R. Lindeburg.
- Civil Engineering Reference Manual for the PE Exam, 13th edition, Michael R. Lindeburg.
- Practice Problems for the Civil Engineering PE Exam, 13th edition, Michael R. Lindeburg

## Free Retake Policy

If you complete the PE Review Course and do not pass the PE Exam, you may retake the course again the following year at no additional charge.

## Price & Enrollment Information

\$800.00 Enrollment is limited due to space availability so contact Paula Peterman at 364-6188 or paulap@uidaho.edu to register.



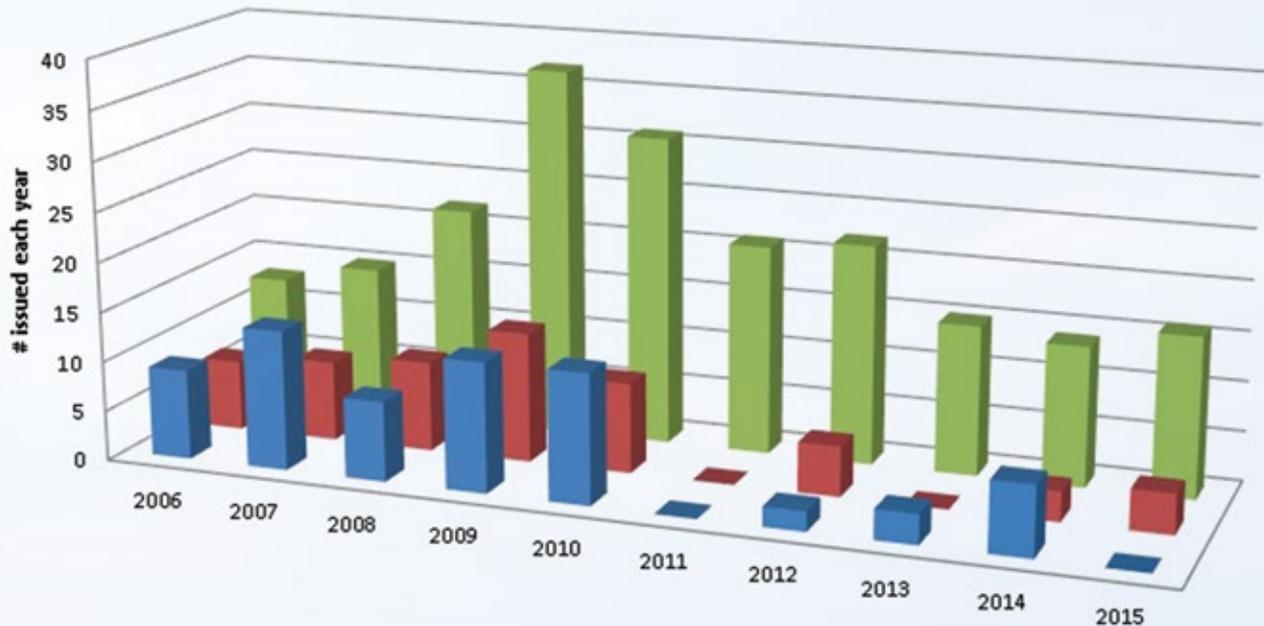
**Trends in Idaho PE licensure and Intern Certificates**

# Examinations

## Fundamentals Examinations Offered Year Around

NCEES will change their policy and offer the fundamentals examinations via CBT perpetually beginning January of 2016. Their former policy was to offer the examinations in two month increments with one month off. The Board successfully obtained a law change in the last session that allows students to enroll for the fundamentals examinations without first applying to the Board. These changes will make it easier for students to take and pass the fundamentals examinations. Students should apply for their intern certificate after passing their fundamentals examination.

### Professional Land Surveyors/Interns



	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
■ PLS by Exam	9	14	8	13	13	0	2	3	7	0
■ Surv Intern	7	8	9	13	9	0	5	0	3	4
■ PLS by Comity	13	15	22	37	31	21	22	15	14	16

Trends in Idaho PLS licensure and Intern Certificates

# Examinations

## Fundamentals Examinations Offered Year Around (continued)

The total number of licensed engineers and land surveyors is on a declining trend in Idaho. The rate of retirement is increasing but the rate of new licensees entering by examination is decreasing. Not enough new talent is entering the professions. If this trend continues, Idaho will increasingly rely on out-of-state licensees. Many venues exist for encouraging high school students to consider STEM careers such as engineering and land surveying. The Idaho Society of Professional Engineers offers Math Counts and Future Cities. The Idaho Society of Professional Land Surveyors offers the Trig-Star program. Consider what you can do to give back to the profession by encouraging young talent to enter our professions. Throughout 2016, the Board will be working to develop brochures and other materials that explain the career options for those interested in the licensed practice of engineering and land surveying.

### Retired License Trends



## New Idaho Professional Engineers and Land Surveyors Licensed by Examination Summer 2015

John Wesley Barksdale, III: (Electrical) 436C Raven Way, Chubbuck, ID 83202  
Richard Bearg: (Electrical) 2261 E. Trail Blazer, Meridian, ID 83646  
Duke M. Bulanon: (Mechanical) 519 Seasons Ct., Nampa, ID 83686-7600  
Nathan A. Burke: (Electrical) 2690 Salmon St., Ammon, ID 83406  
Adam Larey Bussan: (Civil) 1173 S. Dale St., Apt. 303, Boise, ID 83706  
Wade Keith Capson: (Mechanical) 1022 W. 500 N., Blackfoot, ID 83221  
Ben Duesterhoeft: (Civil) 2517 S Sunrise Rd, Spokane Valley, WA 99206  
Daniel Scott Ellis: (Mechanical) 2512 W. Idaho St., Boise, ID 83702  
Neil Thomas Fox: (Environmental) 5664 S. Hollyhock Pl., Boise, ID 83716  
Stephan Frazier: (Electrical) 117 Pine Rd., Kamiah, ID 83536  
Kevin Funke: (Civil) 802 Preston Ave., Lewiston, ID 83501  
Cody Hale: (Mechanical) 699 W. 100 S., Blackfoot, ID 83221  
Benjamin E. Hamlett: (Electrical) 4247 N. 1400 E., Buhl, ID 83316  
Dustin Hansen: (Environmental) JR Simplot, Smoky Canyon Mine, P.O. Box 1270, Afton, WY 83110  
Ladonne Harris: (Civil) 36 Mesa Vista Dr., Boise, ID 83705  
Megan Kautz: (Civil) 363 Rimview Dr., Boise, ID 83716  
Robert William Keller: (Civil) IDWR: Wd 01, 900 N. Skyline Dr., Ste. A, Idaho Falls, ID 83402  
Brandon Jacob Kyzar: (Civil) 3131 N Cherry Laurel Way, Star, ID 83669  
Kiersten E. Lee: (Civil) 2101 S. Manitou, Boise, ID 83706  
Katrina Leichliter: (Mechanical) University Of Idaho Integr. Desgn. Lab, 306 S. 6th St., Boise, ID 83702  
Alex Jay Mackay: (Mechanical) 1856 South 3rd Ave., Pocatello, ID 83201  
Joseph Martin: (Industrial) 206 S. 9th Ave., Pocatello, ID 83201  
Daniel D. Miles: (Electrical) 5859 N. Rapid Creek Rd., Inkom, ID 83245  
Nicholas T. McAteer: (Civil) 79 Davis Dr., Pocatello, ID 83201  
Justin Nielsen: (Civil) , , 4205 W. Taft, Boise, ID 83703  
Veniamin P. Radchuk: (Civil) 545 W. Blake St., Meridian, ID 83646  
Tyler J. Robinson: (Mechanical) 8409 Boysenberry Loop, Hayden, ID 83835  
Kyle Rosenmeyer: (Civil) 10340 W. Gallahad Ave., Boise, ID 83704  
Tim Ross: (Mechanical) DC Engineering, 440 E. Corporate Dr. Ste. 103, Meridian, ID 83642  
Lionel C. Starchman: (Civil) 1388 N. Cormorant Pl.. Apt. 101, Boise, ID 83713  
Leslie Echo Swann: (Chemical) 4034 S. Bard Ave., Boise, ID 83716  
Jesse Steven Webb: (Civil) US Dot - FHWA, 610 E. 5th St., Vancouver, WA 98661

# Enforcement

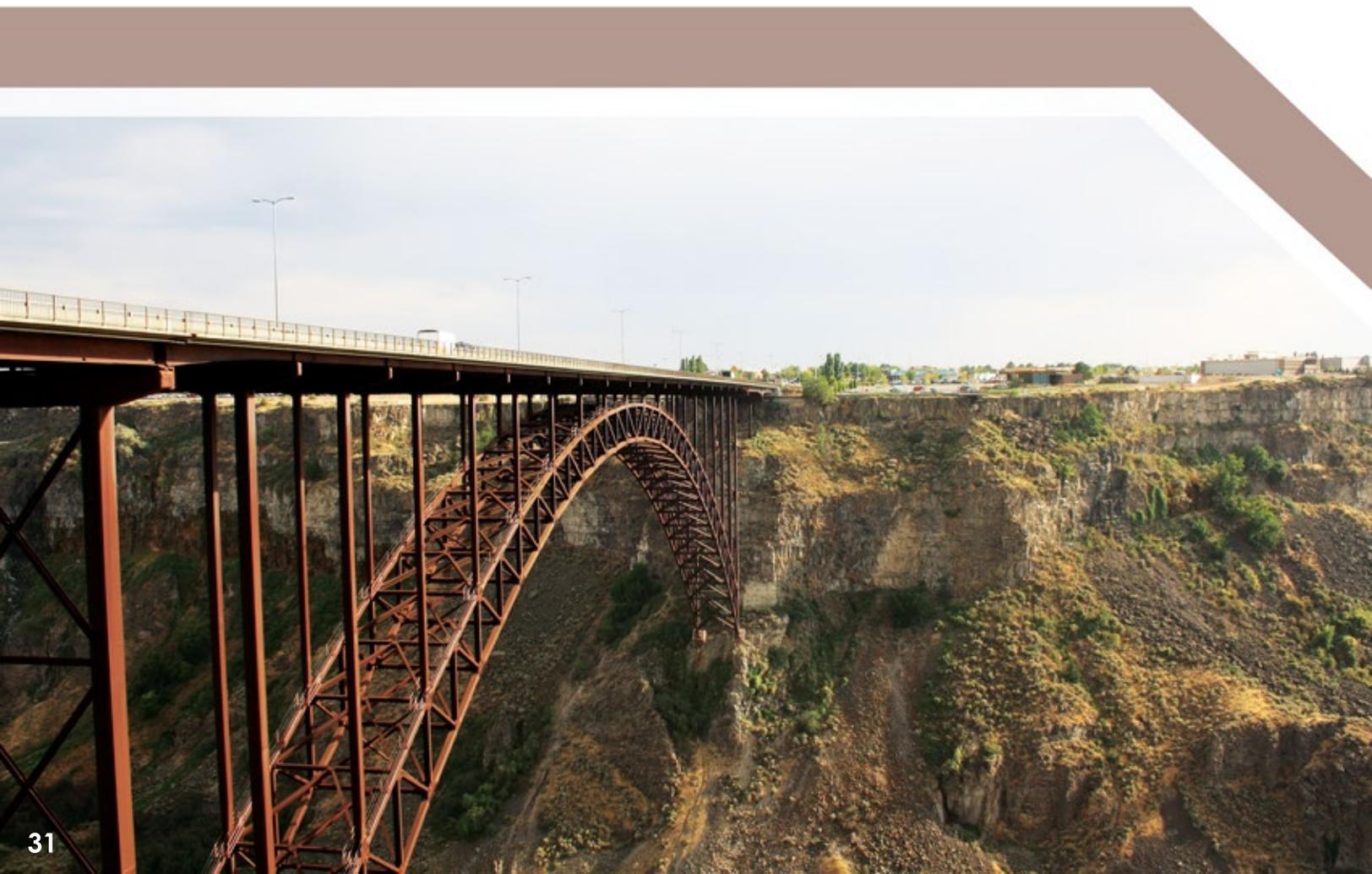
## Disciplinary Actions

The following are summaries of final formal actions taken by the Board since publication of the last news bulletin.

### **Docket No. FY 15.06 IN THE MATTER OF GREG L SKINNER, P.L.S. L-3627**

The matter involves work performed by Respondent in connection with services... provided generally in serving locations in Sections 23-26, T30N, R3E, BM, Idaho County, Idaho, falling about three miles east of the county seat at Grangeville on the Mount Idaho to Elk City road. Specifically, the disputed area is focused on the boundaries of Section 24 of that township. With regard to work on the Badertcher Survey, S-2803, Instrument number 465004 filed January 22, 2009, you failed to file ties to at least two corner monuments...for each record of survey filed in violation of Idaho Code Sections **55-1906(5)**...

Upon this Stipulation and Consent Order and the record, the Staff and Respondent agrees that the Board may enter an Order to Respondent for the conduct specified...That the Board admonishes Respondent for the conduct specified...That within 30 days...Respondent shall tender to the Board a check in the amount of \$250...That the Respondent will within 60 days ... remedy the issues ... with ties to at least two corner monuments.



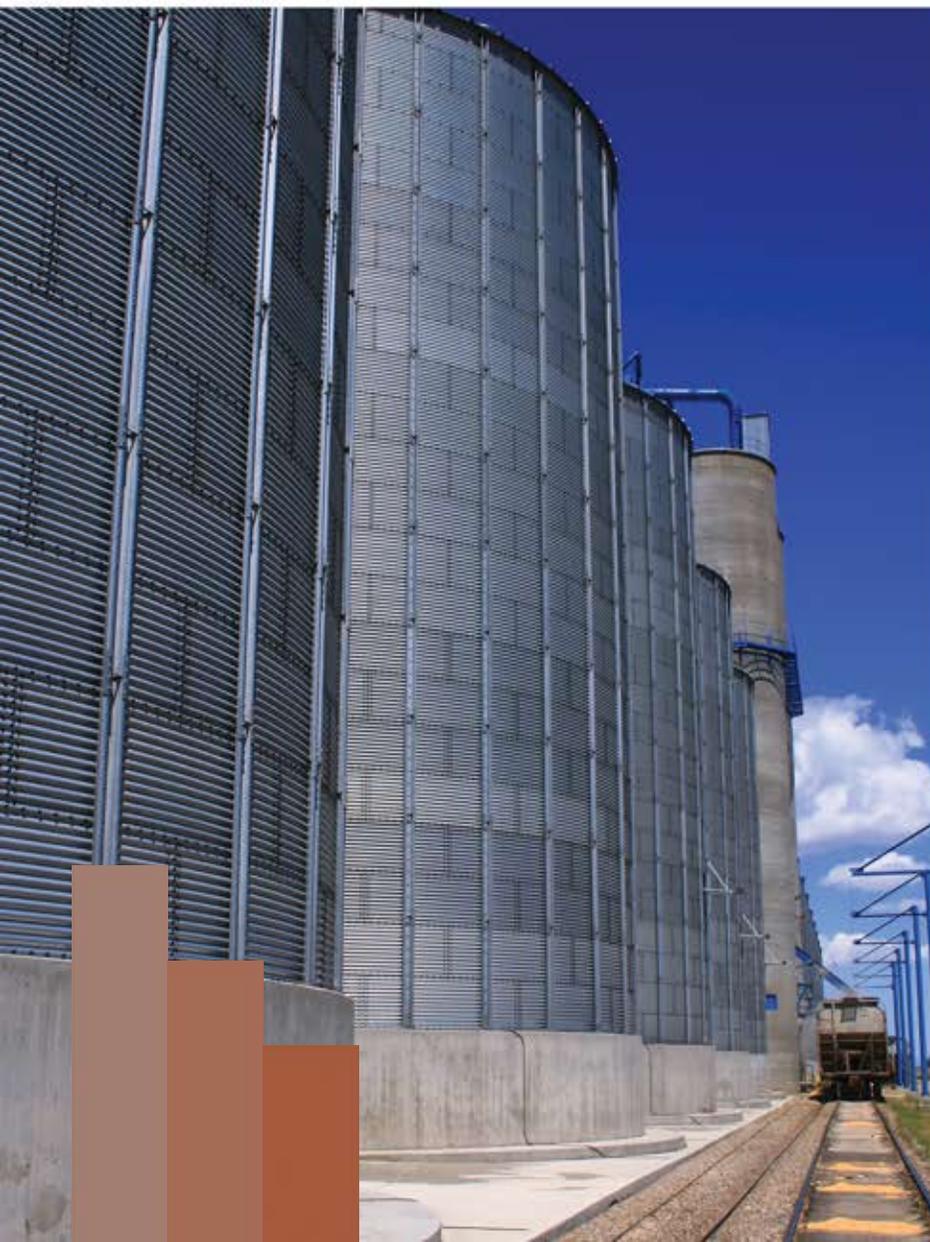
## **Docket No. FY13.10 IN THE MATTER OF TODD A. BARTOLOME, P.E. P-8015**

This matter involves work performed by Respondent in connection with the Conklin Road project where Respondent was employed as the Contract Administrator on behalf of the Local Highway Technical Assistance Council (LHTAC). In that capacity, Respondent hired GeoTek to provide retests of asphalt samples in June 2011. Respondent told Ruen Yeager and Associates (RYA) as the engineers that they should pay GeoTek from RYA's original contract amount, even though RYA did not have a contract agreement with GeoTek. RYA prepared and submitted to Respondent a man day estimate (Cost Summary) that included line items for GeoTek and Strata with the understanding that an explanation would be provided ITD to document the addition of GeoTek to RYA's supplemental... Respondent modified the man day estimate form provided by RYA to remove the line items for GeoTek and Strata and then increased the number of man hours

listed for RYA staff to make the total of the supplemental to be in the same dollar amount that RYA had originally submitted. Without authorization from, nor knowledge of RYA, Respondent provided this altered man day estimate to ITD CAU Mark Neil for execution... Respondent misrepresented to ITD CAU that the modified man day estimate had been negotiated with RYA and that RYA had prepared the man day estimate. RYA refused to sign the supplemental because it did not represent what had been negotiated. Respondent's conduct in this matter constitutes a violation of IDAPA 10.01.02.007.01 and 004.03... The Board admonishes Respondent for the conduct specified... within thirty (30) days ... Respondent shall tender to the Board a check in the amount of \$500... as an administrative penalty.

### **Retirement of Licenses**

David Michael Honan, P.E. Watertown, NY chose to convert his license to retired status.





In Memory  
Of Those  
Recently Deceased

Thayne Harwood Young, Jr. P-2771 (CE) Boise ID	5/10/2015
Mark F. Weale P-5435 (CE/SE) Gig Harbor WA	2/7/14
Edward A. Rinker P-1733 (EE) Boise ID	6/20/15
Vern Wiltse P-13194 (CE) Euless TX	7/23/13
David Arthur Johnston 6213 (CE) Corona CA	7/23/15
Stephen A. Ricks P-13021 (ME) Hillsboro OR	7/31/15
Jay R. Anderson P-2584 (CE) Ogden UT	3/2/15
John T. Irving P-13977 (ME) Bossier City LA	8/19/14
Christopher H. Uber P-14600 (CE) Tacoma WA	8/19/14
Erin O. Roberson P-10417 (ME) Chattaroy WA	12/27/14
James R. Hansen P-6965 (CE) Portland OR	11/23/14
Ty G. Briggs L-10781 Rigby ID	9/19/15
Paul Prohaska P-7308 (CE, SE) Redmond WA	8/27/14
Sheldon Liss P-10496 (EE) Tustin CA	8/31/15

# Calendar Of Up Coming Events

## Board Staff

Keith Simila, PE Executive Director

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James L. Szatkowski, PE Deputy Director

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Jennifer Rowe, Administrative Assistant

jennifer.rowe@ipels.idaho.gov

Edith Williams, Technical Records Specialist

edith.williams@ipels.idaho.gov

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January 28-29, 2016

March 1-3, 2016

April 15-16, 2016

May 19-21, 2015

June 2-3, 2015

August 8-9, 2016

August 25-26, 2016

September 19-20, 2016

October 28-29, 2016

November 7-8, 2016

Board Meeting in Boise, Idaho

ISPLS & Board Meeting in Coeur d'Alene, Idaho

PE/PLS Examinations in Boise, Idaho

NCEES Western Zone Meeting in Anchorage, AK

Board Meeting in Boise, Idaho

Board Retreat in Riggins, Idaho

NCEES Annual Meeting in Indianapolis, IN

Board Meeting in Boise, Idaho

PE/PLS Examinations in Boise, Idaho

Board Meeting with Deans in Boise, Idaho



*Keith Simko*

### **Message from the Executive Director**

Engineers and land surveyors are often involved in construction activities either acting as the owner's representative or observing the construction and preparing record drawings of as-built conditions. The Board recently addressed complaints and concerns raised regarding a licensed professional's role in construction activities. In one case, an engineer as the owner's representative of a public agency allegedly falsified payment documents and was disciplined by the Board for such action. The pressure to keep a construction project on schedule can often cloud a licensee's judgment when it comes to making sure the owner or government gets what they are paying for. This applies to making sure construction materials and construction processes meet specifications. This also applies to the proper calculation of contract pay items and quantities. In two other cases, concerns were raised regarding observing construction and preparation of record drawings. One case regards the premature failure of a water treatment tank cover and a leaking water tank. There are many reasons why projects fail. Concrete covers and tanks that fail after 12 years instead of the 50-year design life calls into question the work of professional engineers. Was the observation of the construction done properly? Did the concrete meet specification when placed? Was the design done properly? The city involved in this case made attempts to remove Qualifications Based Selection as the basis for selecting the engineers involved due to their unhappiness with the premature failure of their water treatment facilities. Licensees need to regard their role as professionals as a sacred trust given them by the public. Any compromise that violates that trust diminishes the esteem the public places on us as professionals.



*Keith Simola*

### **Message from the Executive Director (continued)**

The final case involves the preparation of record drawings as required by a city engineer. The design engineer did not believe it was appropriate to sign and seal the record drawings as they were not hired to observe the construction of the entire project. Licensees need to know that there is a state law that requires record drawings for water and wastewater projects. It is also common for city or county governments to require record drawings for other constructed infrastructure such as dedicated streets as an indication that the constructed project was built as designed. A News Bulletin article from 2007 articulates the Board's position on record drawings and the use of qualification language (<http://www.ipels.idaho.gov/newsletters/NEWS40.pdf>). Licensees involved in record drawings would be well served to review this article as the Board has affirmed this policy is still relevant. In many cases, licensees may need to educate contractors and local government entities of their role in both observing construction and preparation of record drawings in advance of the project construction so expectations on the part of the contractor and local government are clearly understood and the licensee is not placed in a position of being expected to provide record drawings for which they were not hired to adequately complete.