



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

Fall/Winter 2021 - NEWS BULLETIN 66th EDITION

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Tom Ruby, P.L.S., Member, Twin Falls

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## INSIDE THIS EDITION

- Board Member Highlights
- Introduction
- Board Decisions
- Statute and Rule Changes
- Education
- Examinations and Licensure
- Enforcement
- Calendar of Events

## 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 <https://www.ipels.idaho.gov>





## Board Member Highlights

### Governor Appoints Tom Ruby as Land Surveyor Member

The Governor reappointed Tom Ruby P.L.S. as a Surveying Member to the Board. Tom will serve a 5-year term. He replaced Dusty Obermayer who completed one 5-year term.

Tom lives in Filer, Idaho with his wife of twenty-one years, Lesley. They enjoy riding cutting horses together and try to ride whenever they can find time. Tom and Lesley have two children (Gage 17, Hannah 19) that they love to go camping with, whenever their schedules align.



Tom started his surveying career at ITD District 4 in 1991. He didn't know he was starting a survey career at the time, he thought he was starting a drafting/design career. Six months into his ITD career they sent him out on the Location Survey crew to help the guy who turned out to be Tom's lifelong mentor, Bert Nowak, PLS. Tom fell in love with surveying the first week on Bert's crew and knew that it was going to be a career for life. After six years at ITD Tom left to pursue surveying opportunities elsewhere and worked for a year and a half for some smaller firms. In 1998 Tom started working for J-U-B ENGINEERS and has never left, as he says this is a great place to work. In his free time Tom loves to waterfowl and big game hunt, train retrievers, go fishing with his kids and is addicted to extreme long-range shooting.





# Introduction

## Introduction

The governor signed an executive order that moved all the self-governing licensing boards into a new agency known as the Idaho Division of Occupational and Professional Licensing. Our board is transitioning to the new organization. We will have a new office near Chinden Road in Boise on the former Hewlett Packard campus. Our rules are renumbered to align with the new organization. The new law and rule book is published on the website with the new rule numbers.

One new law also went into effect on July 1, 2020. The bill contained many items mostly pertaining to land surveying matters. The significant changes relate to a new requirement for land surveyors to set a C ¼ monument when breaking down a section and to set monuments at the true intersection of the lines related to off-line closing corners. Note also that renewal notices are now being sent to email addresses on record. All renewals must now be conducted online. The law change enacted requires licensees and certificate holder to be responsible for their renewals prior to expiration. While the Board office attempts to send renewal notices to email addresses, it is the responsibility of licensees and certificate holders to renew on time. Many renewal notices are rejected or returned. It is important for licensees and certificate holders to keep the email and mailing addresses up to date so they do not miss the renewal and other notices. Addresses can be updated online on our website.



### Agency Guidance Documents and Precedential Orders on Website

An executive order by the governor directed all agencies to post agency guidance documents and precedential orders on the website. Guidance documents are not new laws or rules. Rather they are the Board's interpretation of the existing laws and rules, generally based on questions asked of the Board. These are compiled into three documents – professional engineering practice, professional land surveying practice and ethics and professional practice (applies to both professions). The guidance documents consist of prior Board opinions and letters. Precedential orders are prior disciplinary cases the Board considers precedential for future cases.

### Highway Easements - When Records of Survey are Required

#### Question from a North Idaho Surveyor

The Board issued a previous opinion regarding **I.C. 55-1904** and the 90-day time period relating to the filing of Record of Surveys. This Board opined that the clock begins to run at the time monuments are set and the surveyor then has ninety (90) days in which to file. Subsequent Boards have upheld this opinion.

I believe in most scenarios the 90-day opinion is appropriate and more than adequate. However, when the survey is for a large transportation project for an agency like the Idaho Transportation Department (ITD) or a local highway district, this opinion is impossible to comply with in an efficient and cost-effective manner.

Generally, in these large transportation projects where a roadway is being re-aligned or revised, there are many landowners and parcels involved in the project. With these types of projects, many parcel acquisitions may be required over several miles of roadway and the acquisition process can take a year or more to complete.





## Board Decisions



### Highway Easements - When Records of Survey are Required (Continued)

As the project progresses, the acquisition process begins. The surveyor prepares many legal descriptions as well as a comprehensive right-of-way plan set. Often, the agency requires an exhibit map to accompany the legal description. A properly written legal description should include calls to monuments, both found and set. For a variety of reasons, some parcels may take a year or more to acquire while others may be acquired within a few months. This means that from the time a deed for the first parcel is acquired and gets recorded describing monuments being set to the last deed being acquired and recorded describing monuments being set is well over 90 days.

In the past, it has been the practice to not set monuments until after construction is completed, even though this may be several years from the time of the first parcel acquisition. It would be neglectful to a licensee's primary responsibility of protecting the safety, health and welfare of the public to have not established monuments on the ground allowing a private landowner the ability to determine where their boundaries are until after construction is complete. In essence, it denies them and any subsequent landowners the right to know where their property boundary along the new right-of-way is located prior to construction.





## Board Decisions



### Highway Easements - When Records of Survey are Required (Continued)

Recently, ITD has agreed with setting monuments prior to construction and relying on **Idaho Code Title 55, Chapter 16, Paragraph 13** to replace any monuments disturbed or destroyed during construction. It would be impractical, both financially and logistically, to prepare and record a Record of Survey each time a parcel is acquired when the recorded deed contains an exhibit showing much of the same information contained in a Record of Survey and a right-of-way plan set has been prepared and is available to the public for review at the local agency. It also makes more sense to have one Record of Survey filed showing all of the project and acquisitions in one document of multiple sheets.

My question is, is this an area where there should be an exception to the 90-day opinion to file a record of survey from the time the first monument is set given that there are legal descriptions with exhibit maps recorded and a detailed and comprehensive official right-of-way plan set showing most of the contents of a Record of Survey on file at the agency office?





## Board Decisions

### Highway Easements - When Records of Survey are Required (Continued)

#### Board Response

You are correct that the board opinion has long been that a Record of Survey is required to be filed within ninety (90) days from the time the corner monuments are set as required by **Idaho Code Title 55, Chapter 19**. The Board understands the dilemma as presented and agrees the Primary Obligation under **IDAPA 24, TITLE 32, CHAPTER 01, Paragraph 100, Subparagraph 01** of a licensee is to protect the safety, health and welfare of the public in the performance of their professional duties. On one hand, if a deed is recorded that describes monuments being set, the monuments should be set. On the other hand, the entire survey project may take more than 90 days to complete where all the acquired right-of-way can be monumented. In order to protect the public and considering the length of time involved in many of these projects, it would not be reasonable to wait until construction is complete to set the monuments on the acquired right-of-way.

Provided there are recorded deeds and legal description map exhibits with sufficient detail showing found and set monuments that describe the land being acquired and monumented, and where there are official right-of-way plans available to the public that show the land being acquired with sufficient information that would allow another professional land surveyor to identify the boundaries on the ground, and in general contain information that a Record of Survey would show, the Board's opinion is that the survey isn't complete until the last parcel acquisition deed is recorded. The 90 days to file the Record of Survey would begin from the date the final parcel acquisition deed is recorded.







## Board Decisions

### Highway Easements - When Records of Survey are Required (Continued)

The Board wants to emphasize this opinion pertains only to parcels specific to transportation type projects involving multiple parcels being acquired over time and does not apply to normal Record of Survey or platting projects involving more than one parcel. The Board also recommends that a note be placed on the legal description exhibit map and right-of-way plans stating that neither one is a Record of Survey or equivalent and that a Record of Survey of the entire project will be filed within 90 days following recording of the final parcel acquisition.

The Board is also of the opinion that monuments on these parcels should not be set until such time as the parcel is acquired. It does not serve the public to set monuments on the ground on a mile or more of roadway without those monumented positions being documented somewhere other than on a set of right-of-way plans a layperson would probably be unaware existed or how or where to view them. In other words, it is not the intent of this Board opinion to allow a licensee to set the monuments for all or most of the project at the beginning of parcel acquisition and then file a Record of Survey at some point in the distant future following the final acquisition. If the licensee is confident enough to set all the monuments at one time, then they can prepare and file a Record of Survey at that time as well.

It should be further noted that in accordance with **I.C. 55-1613**, final plans submitted for bidding and construction must show the existence and location of any monuments found or set and that prior to construction the construction surveyor is required to perform a field search and location survey locating and tying any existing monuments, whether or not a Record of Survey has been filed, and that said surveyor is required to reestablish and remonument any corners that are disturbed or destroyed by construction activities.







# Statute and Rule Changes

## Out-Year Law Changes Considered by the Board

The Board is considering updates to existing laws in the coming years (2021 or later) and is interested in comments by interested stakeholders. The proposals are posted to the Board's website. A summary is as follows:

1. The National Geodetic Survey is preparing new datums and a new system of state plane projections for release in 2022. The Board intends to introduce legislation governing state plane coordinates ahead of the transition for consideration by the legislature in 2021.





### Out-Year Law Changes Considered by the Board (Continued)

**2.** Omnibus rule adoption. All the Board's rules expired as the legislature declined to approve all rules in the State at the end of the last session. Temporary rules were issued to reinstate the rules as of March 20, 2020. The temporary rules will expire at the end of the legislative session. The Board promulgated permanent rules to replace the temporary rules. There are changes to the rules from the prior year related to continuing professional development and the definition of misconduct. A new provision will allow the Board to waive the CPD rule during times of emergency. The basic 30-hour biennial requirement statement is simplified, but remains the same. The misconduct definition includes adherence to applicable rules and laws. The pending rule will be considered by the legislature in the 2021 session for final approval.

**3.** Housekeeping law changes in 2022 and beyond

- a.** Basis of bearing definition
- b.** Monument and Intern definition
- c.** Error of closure
- d.** Disciplinary procedures practice
- e.** Mediation of disputes
- f.** Seals and signatures





## Education

### **Board Meets with the University Deans and Faculty**

The Board met with the Deans of the five universities that offer engineering programs and faculty and staff for the two surveying programs in the state. Presentations addressed faculty licensure, status of enrollment, ABET accreditation and current trends facing engineering and land surveying at the university.

### **Idaho State University Surveying Program Offers Expanded Certificate Options for Engineers and Others Seeking Licensure as Professional Land Surveyors**

All surveying courses are now offered online at ISU. This means students can obtain an education credential from ISU to advance their career as a professional land surveyor or a surveying technician online. There are two educational pathways to licensure as a professional land surveyor. One is to obtain a 4-year degree in surveying. The second is to obtain a related 4-year degree such as in engineering or another science, and then obtain thirty (30) semester credits of specific land surveying courses. ISU offers an educational credential for both options. Students with an existing 4-year degree can now obtain an Academic Certificate in Land Surveying that the Board has approved to meet the surveying educational requirements for licensure. For those seeking to advance their career as a survey technician, ISU offers a Basic Technical Certificate in Surveying. Last year, ISU received grant funding to enroll students that want to receive survey education that will work toward certification. The grant funding is known as the TRIPOD program.



### Idaho State University Surveying Program Offers Expanded Certificate Options for Engineers and Others Seeking Licensure as Professional Land Surveyors (Continued)

The first year of the TRIPOD cohort started in the fall of 2019. There was a second cohort in the spring of 2020 and a third in the fall of 2020. ISU has open slots available and seeks new students in 2021. The TRIPOD program is aimed at people who are working as technicians or on an existing survey crew, but want to work toward certification as a survey technician or eventual licensure as a professional land surveyor. Individuals interested in enrolling in this program should contact Robert Liimakka at [liimrobe@isu.edu](mailto:liimrobe@isu.edu).

### LCSC Seeks Additional Students

Lewis Clark State College in Lewiston offers a two-year program in engineering technology, including surveying. Students can obtain both a 2-year and a 4-year degree in surveying by completing courses listed, which include courses taken online from the ISU survey program while enrolled at LCSC.

### UI Offers Civil PE Review Course in Boise

#### Time

12 three-hour sessions on Thursdays from 5:30 - 8:30pm, running January 21, 2021 through April 15, 2021 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 Civil PE exam April 22-23, 2021.







## Education

### UI Offers Civil PE Review Course in Boise (Continued)

#### Location

Classes will be held at the University of Idaho Water Center, 322 E. Front St, Boise, ID 83702. Due to COVID-19, we will limit the in-person course to 15 students, but we will livestream the course to others who wish to attend online. In-person seats will be on a first come, first serve basis.

#### 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 one PE track for Civil 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, and Mountain Home AFB.



## UI Offers Civil PE Review Course in Boise (Continued)

### 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 Civil Engineering.

### Textbooks

Instructor teaching materials will be given to you digitally on a weekly basis. You are welcome to purchase the textbooks below but it is not mandatory for this course. You will receive a 15% discount from PPI. Contact us for the discount code.

- Civil Engineering Reference Manual for the PE Exam, 15th edition, Michael R. Lindeburg.
- Practice Problems for the Civil Engineering PE Exam, 15th 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.





## Education

### **UI Offers Civil PE Review Course in Boise (Continued)**

#### **Price & Enrollment Information**

\$950.00 Contact Denise Engebrecht at 364-6123 or [denisee@uidaho.edu](mailto:denisee@uidaho.edu) to register.

#### **UI Offers Engineering Graduate Degrees by Distance Education**

UI offers the Engineering Outreach program which enables engineers to obtain graduate degrees remotely using distance learning. Candidates with engineering or related science degrees are eligible. A graduate degree is one pathway to licensure that may enable professional engineering applicants to meet the engineering education standards of the Board as long as forty eight (48) semester credits of engineering science and engineering design courses are obtained between undergraduate and graduate courses.



## ENGINEERING OUTREACH



Providing quality distance  
education for more than 40 years

- Graduate degrees, certificates, and professional education and development
- Fast, flexible viewing schedules
- Company tuition vouchers and VA assistance accepted



**VIEW COURSES AT [UIDAHO.EDU/EO](http://UIDAHO.EDU/EO)**



*"Engineering Outreach allowed me the flexibility to continue working full-time while furthering my education. Informative courses could be applied directly to my line of work. Professors were also very willing to schedule time outside of their office hours to discuss difficulties with course material."*

– Joshua O., M.S.  
Mechanical Engineering

*"U of I professors and staff are positive, helpful and supportive. Engineering Outreach deliveries are professional, high-quality and challenging! So glad I am a Vandal!"*

– Marie T., M.S.  
Statistical Science



[eo-support@uidaho.edu](mailto:eo-support@uidaho.edu) | 208-885-6373





## Examinations and Licensure

### NCEES Examinations

Information on examination offered by NCEES and the examination schedule can be found on their website at

<https://ncees.org/exams/schedule/>.

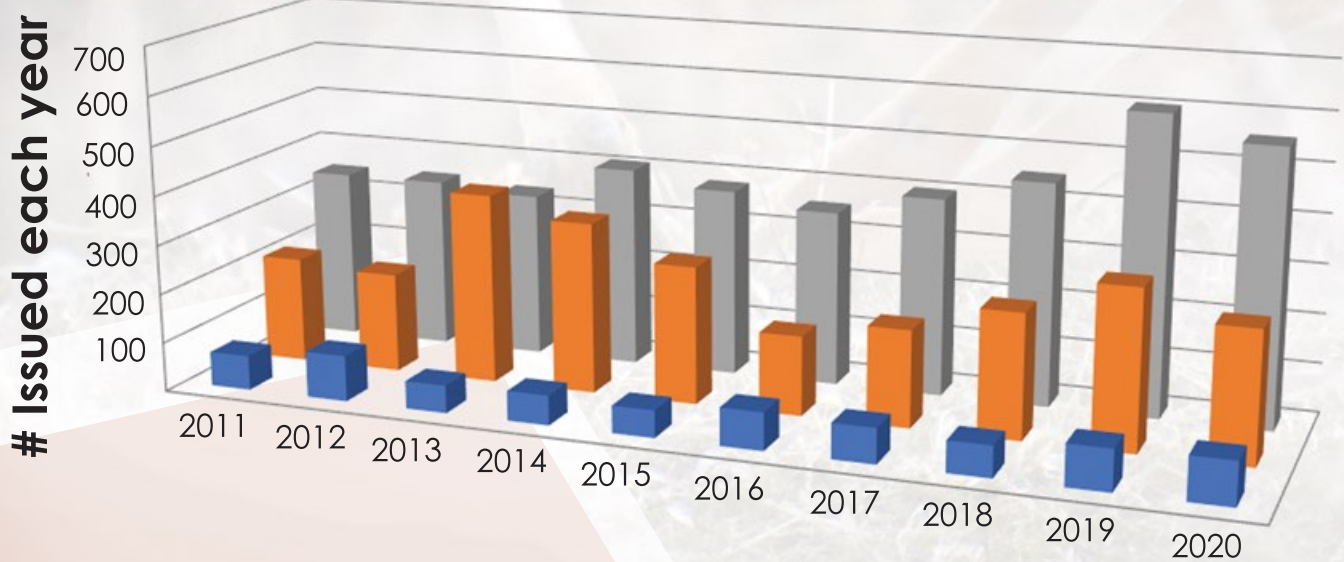
NCEES announced that the Electrical Engineering PE examination was migrated to a computer-based test (CBT) beginning in December of 2020, ahead of schedule. They also announced that the last administration of the paper and pencil Civil Engineering PE examination will occur in October of 2021, and that after that it will be converted to a CBT with the first examinations offered in April of 2022.

Registration opens for the Civil CBT on November 1, 2021. All CBT PE examinations are offered at approved Pearson-Vue test centers in most major cities. Boise is the only Idaho location offered. Other cities include Spokane, WA and Ogden, UT. The Chemical, Environmental, Fire Protection, Nuclear, Petroleum and Mechanical Engineering PE examinations have already migrated to CBT. The Electrical-Power CBT Exam will now be offered year around. All that is required to take a PE examination is to register with NCEES and reserve your date and time. The only restriction is that you must first pass a fundamentals examination prior to registering for a professional examination. The window for registering for the April paper and pencil PE examinations is January 27 to March 4, 2021. The opening and closing dates are late this year due to a regional PE paper and pencil examination option that is offered on January 26, 2021. The regional examination is offered due to COVID where some locations were not allowed to host the PE examination in October. The closest regional examination is Seattle, WA, but the registration closed for that examination in December.



## Examinations and Licensure

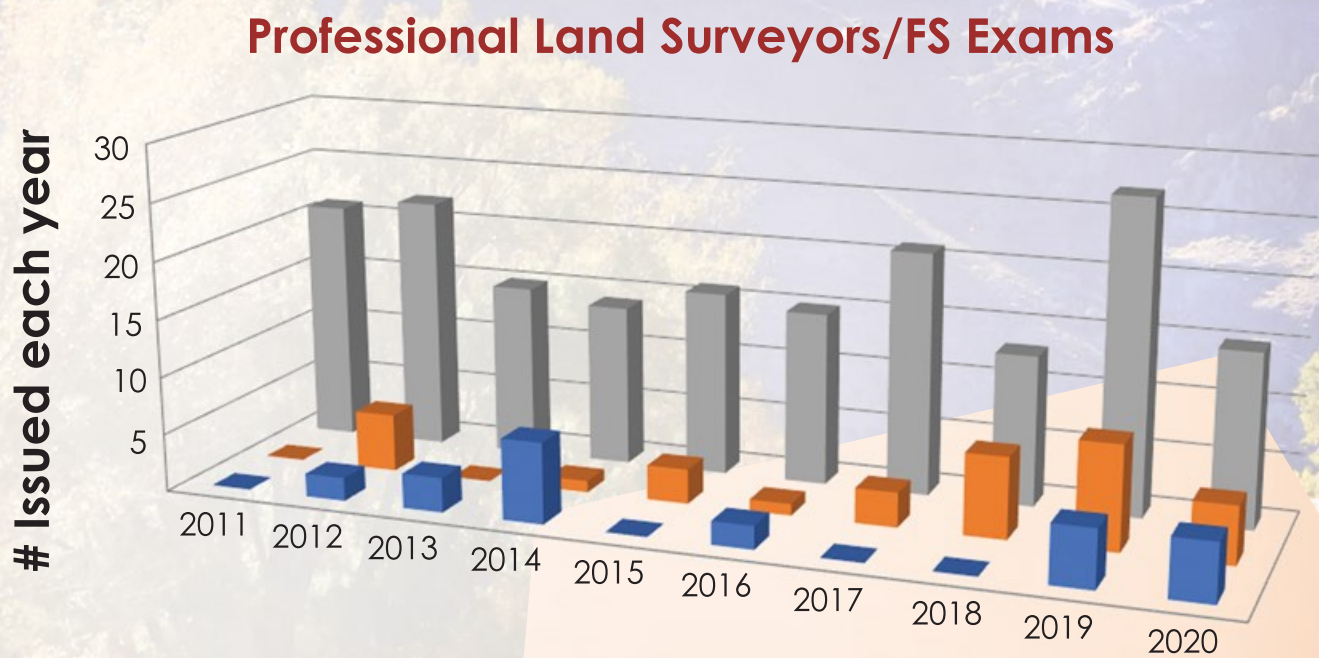
### Professional Engineers/FE Exams



	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
PE by Exam	70	93	56	60	55	76	71	63	83	87
FE Exams Passed	215	202	386	347	279	161	196	252	322	265
PE by Comity	347	348	335	408	381	355	401	451	603	556



## Examinations and Licensure







## Examinations and Licensure

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

(April through September of 2020 - Note the April PE paper exams were cancelled due to COVID-19)

FIRST NAME	LAST NAME	CITY	STATE	DISCIPLINE
NICHOLAS	DEVITO	CATALDO	ID	LS
VICTORIA	KLEMM	HAYDEN	ID	LS
JOSE	NAVA	POCATELLO	ID	LS
BROCK	STRAND	GARDEN CITY	ID	LS
SHANE	TALBOT	SHELLEY	ID	LS
ADAM	THAYER	CHUBBUCK	ID	LS
RON	WRIGHT	EAGLE	ID	LS
ANDREW	AITCHISON	WILDER	ID	CE
AMIR	ALI	IDAHO FALLS	ID	ME
BRADLEY	BURKETT	MERIDIAN	ID	CE
CHANCE	CHAVEZ	BOISE	ID	CE





## Examinations and Licensure

### New Idaho Professional Engineers and Land Surveyors Licensed by Examination (Continued)

FIRST NAME	LAST NAME	CITY	STATE	DISCIPLINE
TIMOTHY	DEWEESE	BOISE	ID	CE
MARK	ELLINGSON	SILVERTON	OR	CE
JONATHAN	HIGGINBOTHAM	BOISE	ID	ME
BENJAMIN	INGALLS	MERIDIAN	ID	ME
MELISSA	JANNUSCH	BOISE	ID	CE
TANNER	JARED	BOISE	ID	CE
MEGAN	KOSKI	COEUR D'ALENE	ID	CE
TAYLOR	LECATES	BOISE	ID	CE
MICHELLE	MCDONALD	MERIDIAN	ID	CE
LEAH	MEEKS	BOISE	ID	AgE
DUSTIN	MILLER	BOISE	ID	ME



A person wearing a blue and grey winter jacket, a blue knit hat with a pom-pom, and ski goggles is riding a fat bike through a snowy forest. The background shows snow-covered evergreen trees. In the top right corner, there is a decorative graphic with a red background, a pile of cut logs, and a cross-section of a log showing its rings.

## Examinations and Licensure

### New Idaho Professional Engineers and Land Surveyors Licensed by Examination (Continued)

FIRST NAME	LAST NAME	CITY	STATE	DISCIPLINE
DYLON	MOSS	BOISE	ID	CE
MICHAEL	O'REILLY	BOISE	ID	CE
WILLIAM	PEDERSON	MERIDIAN	ID	EE
TYLER	ROSS	BOISE	ID	CE
KYLE R	SEE	BOISE	ID	ME
DAWSON	SIGMAN	BOISE	ID	CE
WILLIAM	THORNTON	BOISE	ID	CE
DYLAN L	UECKER	BOISE	ID	CE
SHANE	WOODS	BOISE	ID	EE
JAMES	ZANTOS	BOISE	ID	CE

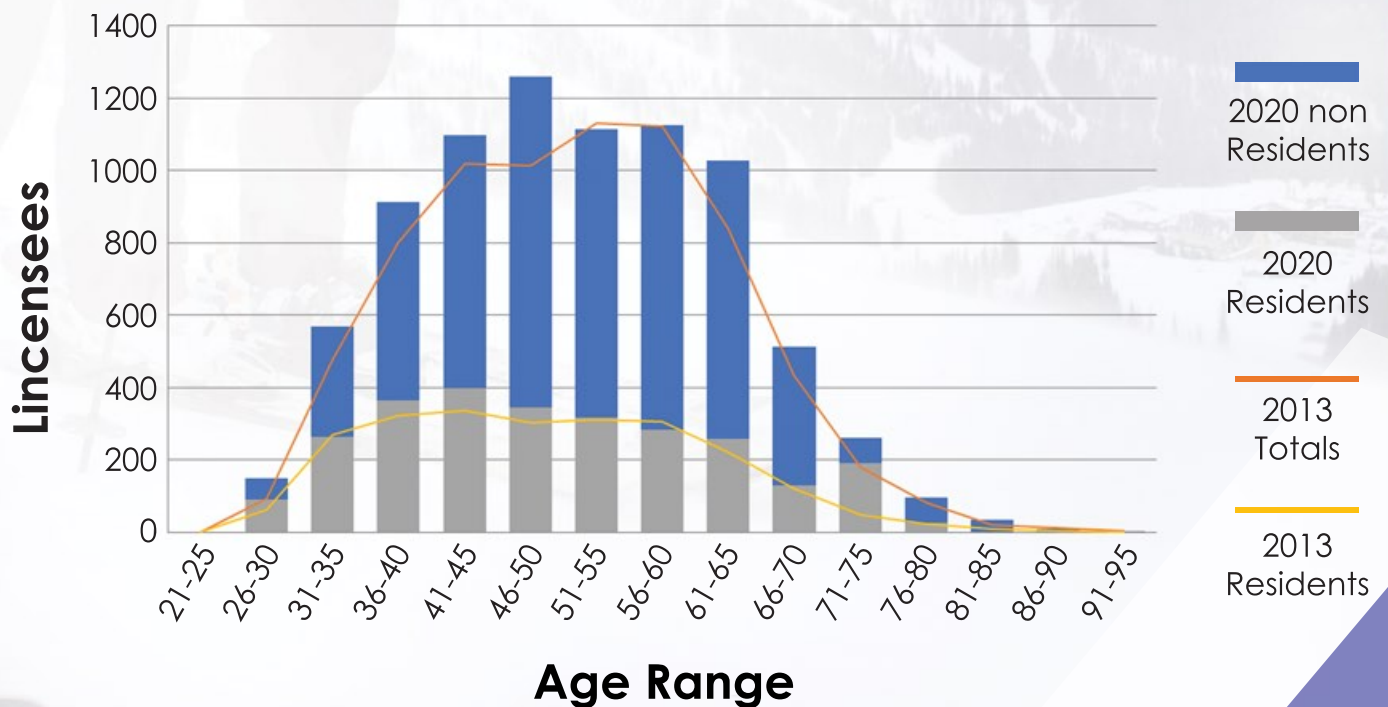


## Examinations and Licensure



### Idaho Professional Engineers

Age Demographics of Professional Engineers Licensed in Idaho.

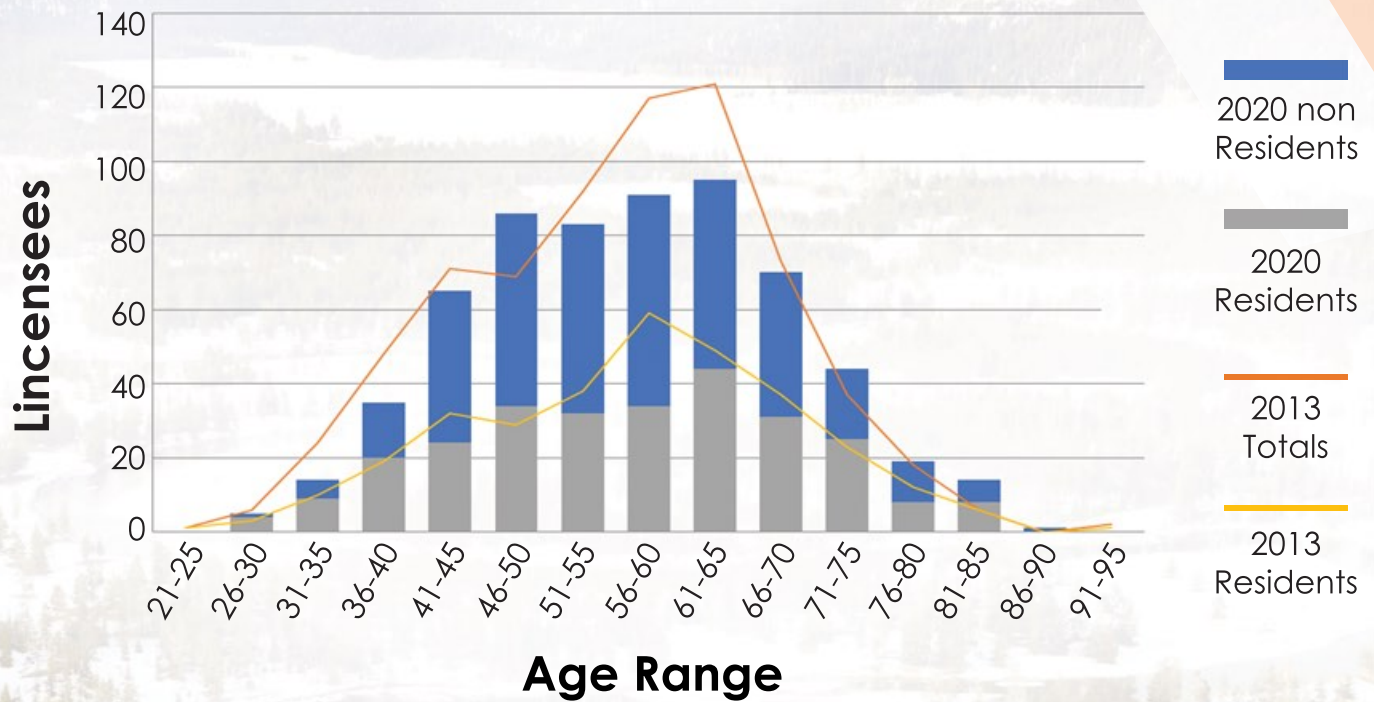




# Examinations and Licensure

## Idaho Professional Land Surveyors

Age Demographics of Professional Land Surveyors Licensed in Idaho.







# Enforcement

## Disciplinary Actions

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

### **In the Matter of J. Chris Pfahl, P.E., P.L.S. L-4488, Wallace, Idaho**

The matter involved two landowner complaints for land surveying work at locations in Shoshone and Kootenai Counties. Count one - Mr. Pfahl was found to have violated **54-1227, Idaho Code**, in regard to either not setting monuments where required or setting non-compliant monuments (PK, MAG or other nails). He described on his records of survey "measured point, nothing found, nothing set, for corner positions the Board determined monuments must be set as they were field-located. In one case he set two monuments for the same corner about 3 feet apart. Count two - he was found to have violated **55-1604**. Several PLSS corners were shown on his record of survey, but he failed to remonument the missing monuments. Some of the corners were patented mining claim corners set by the GLO. One section corner was tied in multiple surveys that had been replaced by the BLM 12 years earlier and a new corner record was not filed. Count three - he was also found to have violated **55-1904, Idaho Code** by not filing a record of survey within 90 days. Count four - he was found to have violated the standard of care for failing to properly address a material discrepancy on a survey where the lines of occupation did not match the deed description. The deed contained an error.





## Enforcement

### Disciplinary Actions (Continued)

The location of the error was not properly resolved. He failed to visit the site and sent an inexperienced crew who set monuments in positions that were not in alignment with occupation lines, resulting from assigning the error to an improper location. His crew failed to locate a monument tied a fence location consistent with the deed. Count five - Mr. Pfahl sent an unsigned, unsealed copy of a record of survey to his client without marking it draft. The matter went to hearing by a hearing officer who found Mr. Pfahl in violation of all counts. After a sentencing hearing, the Board sanctioned Mr. Pfahl on count one - \$2,500 and the next 25 surveys subject to review, count two - \$2,500 and the next 25 surveys subject to review, count three - \$1,500 and a reprimand, count four - \$2,500 and a reprimand, count five - \$500 and a reprimand. Mr. Pfahl was offered an opportunity to surrender his license in lieu of the fines and sanctions. He chose to surrender his P.L.S license. He remains a licensed P.E. Mr. Pfahl was later ordered to pay investigation costs of \$1,130.06 and attorney fees of \$24,672.00 associated with prosecuting this action. Mr. Pfahl has appealed the payment of these fees to the district court.



## Disciplinary Actions (Continued)

### **In the Matter of Allen Johnson, P.L.S. L-1029, Nampa, Idaho**

The matter initially involved a complaint regarding a survey in Washington County from another P.L.S. Mr. Johnson conducted a survey so a client could place a fence. The fence was constructed. Another P.L.S. filed a complaint alleging Mr. Johnson's survey was inadequate. Mr. Johnson signed a stipulation and consent agreement (STIP/CA) that acknowledged he failed to set monuments at a 1/16th corner in a permanent and reliable manner.

He failed to file a CP&F form for several corners that controlled his survey. He failed to properly locate an existing monument for a PLSS corner, and instead set a monument and an unmarked cap at a location incorrectly determined. He failed to locate two controlling  $\frac{1}{4}$  corner monuments. He failed to file a record of survey in 90 days. He failed to provide sufficient information on his record of survey such as: all monuments found or set; bearings and distances; instrument numbers for the previously filed CP&Fs, and the basis of bearing. He violated the standard of care by failing to perform the necessary work to properly recover boundaries surveyed, failing to recover or set monuments that are reliable for future surveyors or land owners, failing to prepare and record a proper record of survey and corresponding CP&Fs, and failing to recover and/or calculate the location of monuments required to properly proportion and locate missing corners.





## Enforcement

### Disciplinary Actions (Continued)

Mr. Johnson was fined \$1,500 and paid \$3,500 for reimbursement of costs and fees in prosecuting this action. Also, a list of pending surveys was attached to the STIP/CA and he agreed to a Board staff review and approval of those surveys prior to recording. He also agreed to permanently retire his license by December 31, 2020. He represented that the list of pending surveys were the final deliverables prior to retiring.

Prior to or just after Mr. Johnson signed the STIP/CA, but before the Board approved it, he recorded several surveys without Board staff review or corrections and took on an additional project not listed in the agreement. An enforcement hearing was conducted for Mr. Johnson to explain why his license should not be suspended as a violation of his STIP/CA. After the hearing, Mr. Johnson's license was suspended by the Board until full compliance. To obtain compliance, the Board ordered Mr. Johnson to remove the monuments he agreed to remove and to remove himself as a platting surveyor from one project as this project was not part of the STIP/CA. Mr. Johnson rescinded some previously recorded surveys just prior to the hearing.





# Enforcement

## Disciplinary Actions (Continued)

Mr. Johnson later provided evidence of compliance with the STIP/CA. The Board approved reinstatement of Mr. Johnson's license as compliance with the STIP/CA was met.

A new complaint was filed by the executive director toward Mr. Johnson in regard to deficiencies of his recorded surveys and unethical conduct. Mr. Johnson recorded a survey purportedly as a replacement for the survey that was the subject of the first complaint (although it was not designated as an amended or replacement survey) in Washington County. The complaint alleged a violation of the standard of care by failing to recover and/or set controlling monuments, and by improperly subdividing a section by failing to use the correct dimensions. He failed to notify proper parties (another PLS and affected adjoining landowners) prior to setting monuments that were in substantial disagreement (material discrepancy) with a prior record of survey in violation of **IDAPA 24.3.01.100.04** and **100.06**.

Mr. Johnson recorded several surveys in Canyon County without first having them reviewed and approved by the Board staff, in violation of his first STIP/CA. The new complaint alleged he failed to prepare his records of survey in compliance with **55-1604**, **55-1608**, and **55-1906**, **Idaho Code** in the numerous ways set forth in the first complaint. He also engaged in deceit as described in **IDAPA 24.32.01.102.01** as he reportedly found monuments that did not exist and could not be found or were not as described in his survey.



## Disciplinary Actions (Continued)

He also violated the standard of care (**IDAPA 24.32.01.100.02**) by failing to provide correct measurement dimensions, failing to provide a correct legend, and failing to provide the required elements of a narrative, street names, lot numbers, block numbers or other reasonably necessary identifying information.

He failed to provide correct area calculations and sufficient information to explain his conclusions related to the location of survey monuments and boundaries. He also failed to uncover and locate controlling monuments, and he depicted an angle point that cannot exist. In his prior STIP/CA, he agreed to limit the remaining projects he would complete to six (6) specific surveys but took on at least one additional project not of agreed projects which constitutes fraud, deceit, and/or misconduct as defined by **Idaho Code 54-1220** and **IDAPA 24.32.01.010** and **24.32.01.102.01**. Further, in subsequent proceedings to enforce the Board's order in the first complaint, he committed misconduct by delivering a threatening email to the prosecutor's staff in violation of **IDAPA 24.32.01.010**. In response, Mr. Johnson signed a new STIP/CA and agreed to properly rescind his surveys, remove all monuments associated with previously rescinded surveys, and sign letters to clients explaining the same. The new STIP/CA was approved by the Board.





## Enforcement

Construction of Lavyers Canyon Bridge.  
*289 ft High*

### Disciplinary Actions (Continued)

#### In the Matter of Jonathan Toone, P.E. P-16377, Rexburg, Idaho

The matter involves work performed in connection with the design submittal for a commercial hotel in Hailey, Blaine County, Idaho. Mr. Toone violated the standard of care (**IDAPA 24.32.01.100.02**) as well as applicable building code requirements (including Special Design Provisions for Wind and Seismic) by failing to properly design or account for: lateral load capacity for the porte cochere; walls for out-of-plane wind loads at the stair shafts and fire riser area; dead load weights used to determine the seismic load on the building; vertical load distribution for seismic loads; and necessary connection points for hold-down anchor bolts located in stem walls. Mr. Toone was reprimanded by the Board and fined \$1,500 and must pay \$3,500 in investigation and attorney fees incurred by the Board to prosecute this action.

#### Retirement in Lieu of Discipline

Von Hill, P.L.S., L-14120, Bountiful, Utah



### Cases Dismissed by the Board

A complaint was made toward a P.E. regarding the accuracy of record drawings and not following the procedures required of D.E.Q. and a sewer district in regard to obtaining easements. The complainant was required by the sewer district to hook up to an installed sewer line along lakefront property. The complaint alleges the sewer line was not in the location on the record drawings and proper procedures were not followed in obtaining easements. The matter was in court. Upon review, the Board determined to dismiss the complaint as unfounded. The record drawings were not misrepresenting the sewer line location as far off as alleged. The P.E. is not responsible for obtaining easements as that is the responsibility of the sewer district.







## Enforcement



### Cases Dismissed by the Board (Continued)

A complaint was received regarding a violation of the notice requirements for right-of-entry. After reviewing the complaint, the Board dismissed it as de minimis and issued a letter of caution to the professional land surveyor as a reminder to provide proper notice as required by **54-1230, Idaho Code**.

A complaint was received regarding an unsigned and sealed elevation certificate. After reviewing the matter, a copy of the signed and sealed elevation certificate was found with the building owner's insurance agent. The event happened over 10 years prior to the complaint and the professional land surveyor no longer had a record of it. The matter was dismissed as de minimis with a letter of caution as the client's copy was apparently not signed and sealed.



### Cases Dismissed by the Board (Continued)

The Board staff reviewed a matter that an out-of-state land surveyor had offered services for an Idaho project by conducting a retracement of an existing survey in a matter that was the subject of a boundary dispute and litigation. Since the Board does not have jurisdiction over unlicensed practice cases (criminal matters), the case was referred to the Attorney General.

After investigation, the Attorney General dismissed the matter as it was determined an Idaho licensed professional land surveyor was involved, although the payment and contract appeared to be with the unlicensed land surveyor. The Board decided to send a cease-and-desist letter to the unlicensed land surveyor and a letter of caution to the licensed professional land surveyor as there was a question of whether proper responsible charge was exercised.





# Enforcement

## Cases Dismissed by the Board (Continued)

A licensee from out-of-state was previously disciplined by the Board for an action that occurred in his state of residence. The reciprocal discipline was entered into voluntarily by the licensee. The licensee fulfilled all of the conditions of the order and requested his record be expunged. The Board has no authority to expunge a disciplinary record and a letter was sent informing him. Final orders of the Board are permanent public records.

Notice was received by the Board office that a P.E. had sealed a subdivision plat but the signature was that of a professional land surveyor. The P.E. responded that his seals were kept near the plotter and inadvertently used in lieu of the P.L.S.'s seal who signed the plat. The Board sent a letter of caution to the P.E. to keep better control of his seal. He stated he would revise office practices to ensure this did not occur again. The P.L.S. subsequently retired his license in lieu of discipline due to an improper seal and other apparent problems with the plat.





## Enforcement

### Cases Dismissed by the Board (Continued)

A request for inquiry was received by the Board staff regarding a P.E. who sold a house to family. The P.E. had reconstructed the house by removing asbestos and improperly disposing of it on the property. The Board reviewed the matter and decided this was a personal issue and not a professional issue and as such, they had no jurisdiction, and therefore, dismissed the matter.

A complaint was received toward a P.E. regarding inspection of a home. The P.E. found deficiencies and recommended a specific contractor to repair the deficiencies with whom the P.E. had a business relationship. The Board dismissed the complaint as unfounded but sent a letter of caution to the P.E. because of the appearance of a conflict of interest. The homeowner disputed whether the deficiencies were relevant to the area of Owyhee County where the home was located (wind load conditions and foundation strapping for a modular home).





## In Memory of Those Deceased

### IN MEMORY OF THOSE RECENTLY DECEASED

First Name	Last Name	Licence Number	Town	State	Deceased
Kimbol Randall	Allen	P-11129 (CE)	Boise	ID	11/9/18
Frederick Charles	Budinger	P-3145 (CE)	Colville	WA	5/5/20
Alan Venson	Thompson	P-4784 (CE)	Boerne	TX	2/8/20
Timothy R	Brown	E-5378 (EI)	Twin Falls	ID	3/3/20
Bret L	Stauts	E-4170 (EI)	Boise	ID	7/12/20
John L	Thalacker	L-3697 (LS)	Friday Harbor	WA	1/3/20
John T	Eddy	L-972 (LS)	Meridian	ID	8/29/20
John James	Howard	PL-2471 (CE/LS)	Boise	ID	7/12/20
Lawrence A	Glahe	L-5713/S-100 (LS/LSIT)	Sandpoint	ID	8/29/20
Keith S	Dunbar	P-2542 (CE)	Temecula	CA	12/26/19
David G	Carter	P-16422 (EE)	Lakeland	TN	8/15/20
Lynn Walton	Bockemohle	P-10362 (CE/SE)	Sun Valley	ID	3/26/20
Duane Thomas	Hartman	L-1011	Woodinville	WA	9/7/20





## Calendar of Upcoming Events

February 4-5, 2021  
March 4, 2021  
April 1-2, 2021  
April 16-17, 2021  
June 8-9, 2021  
August 2-3, 2021  
August 19-21, 2021  
August 27, 2021  
September 9-10, 2021  
October 22-23, 2021  
November 15-16, 2021

Board Meeting in Meridian, Idaho  
Deadline for Registering with NCEES for April PE Exams  
Board Meeting in Meridian, Idaho  
PE Examinations in Boise, Idaho  
Board & ISPE Meeting in Boise, Idaho  
Board Retreat in Riggins, Idaho  
NCEES Annual Meeting in New Orleans, LA  
Deadline for Registering with NCEES for October PE Exams  
Board Meeting in Meridian, Idaho  
PE Examinations in Boise, Idaho  
Board Meeting with University Deans in Meridian, Idaho

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