



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

Spring/Summer 2021 - NEWS BULLETIN 67th EDITION

## Board Members

George A. Murgel, P.E., Ph.D., Chair, Kuna  
Glenn Bennett, P.L.S., Vice Chair, Boise  
Richard L. Jacobson, P.E., Secretary, Meridian  
Raymond J. Watkins, P.E., Member, Coeur d'Alene  
Tom Ruby, P.L.S. Member, Twin Falls  
John Tomkinson, Public Member, Star  
John Elle, P.E., P.L.S., Member, Pocatello

## Board Staff

James L. Szatkowski, P.E., Acting Director  
*jim.szatkowski@ipels.idaho.gov*  
Tom Judge, P.L.S., Deputy Director  
*tom.judge@ipels.idaho.gov*  
Jennifer Rowe, Administrative Assistant  
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Edith Williams, Technical Records Specialist  
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Board Phone Number: (208) 373-7210

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





## Board Member Highlights



### **Board Votes to Elect George Murgel, Ph.D., P.E. as Chair**

The Board voted to elect George Murgel to the office of chair. Dr. Murgel succeeds John Tomkinson. George will serve until new elections are held in 2022.



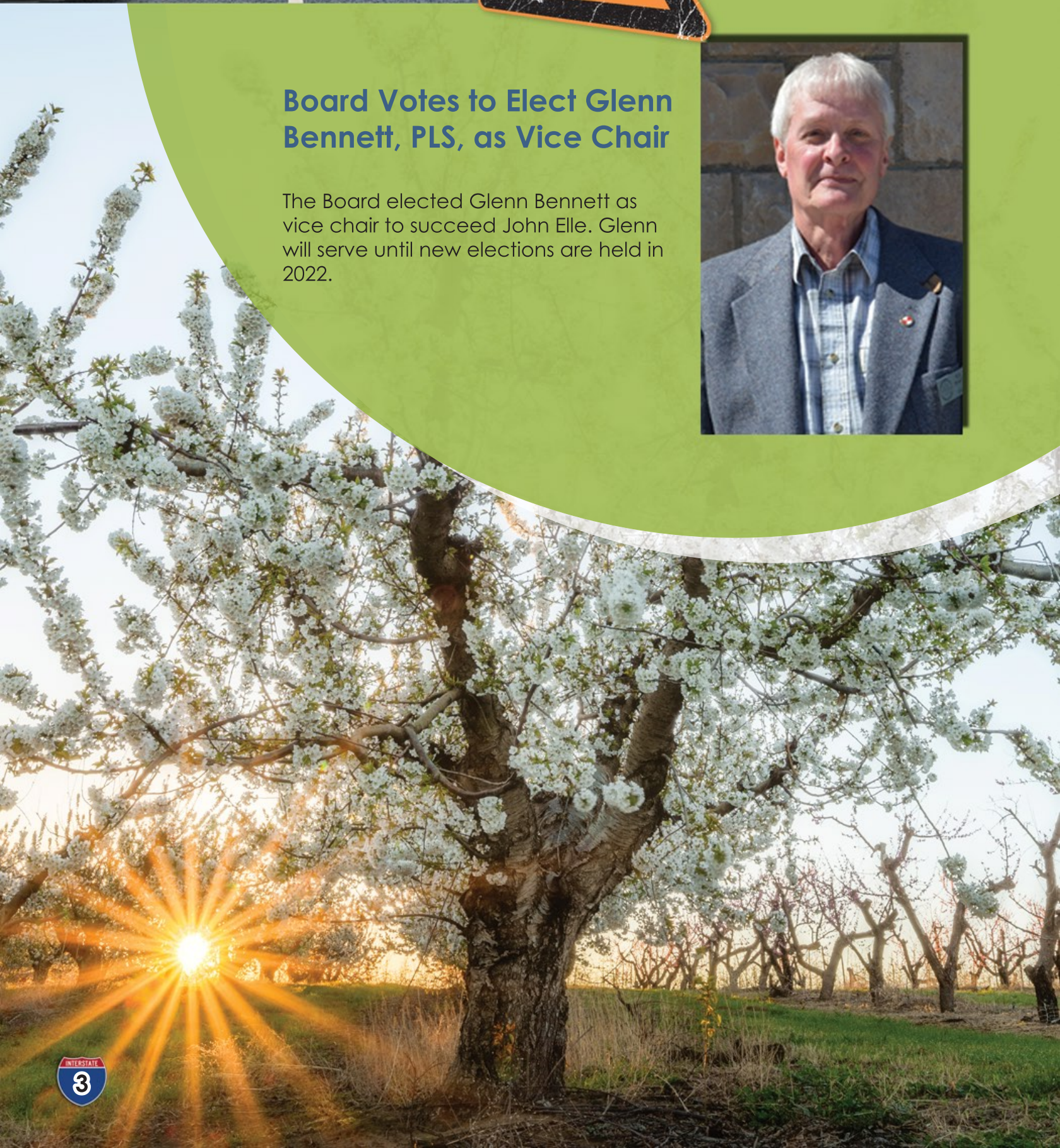


## Board Member Highlights



### **Board Votes to Elect Glenn Bennett, PLS, as Vice Chair**

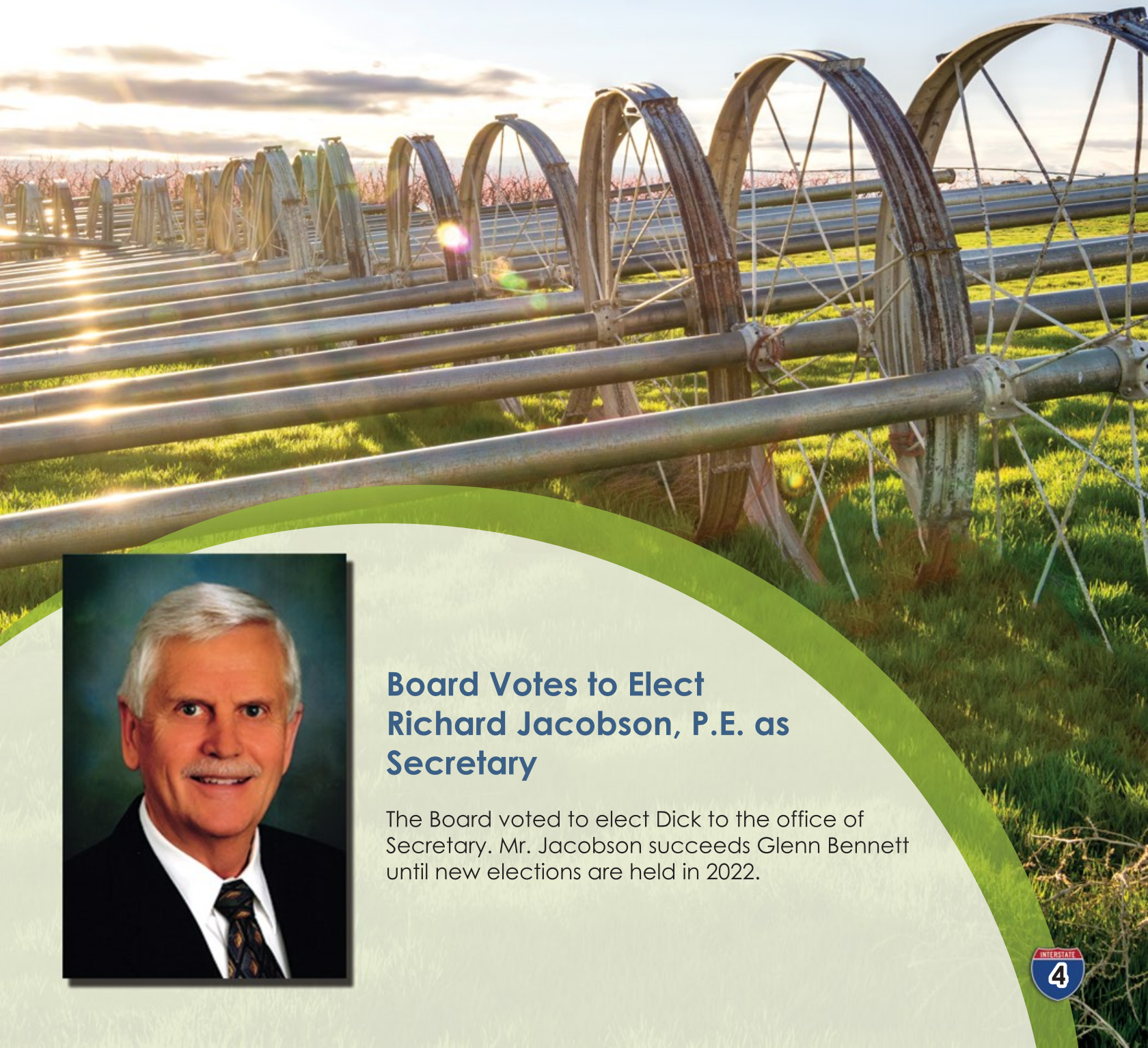
The Board elected Glenn Bennett as vice chair to succeed John Elle. Glenn will serve until new elections are held in 2022.







## Board Member Highlights



### **Board Votes to Elect Richard Jacobson, P.E. as Secretary**

The Board voted to elect Dick to the office of Secretary. Mr. Jacobson succeeds Glenn Bennett until new elections are held in 2022.







# Introduction

## Message from the Executive Director

The Board staff has transitioned to the new Department of Occupational and Professional Licenses (DOPL) organization and is no longer an independent agency. All staff members work for DOPL and not the Board going forward. This transition applies to all licensing Boards in Idaho.

The planned move from the Meridian office to the Chinden campus in Boise is ongoing and expected to occur within a year. Keith Simila, the executive director for the Board, resigned his position effective April 30, 2021. Jim Szatkowski is the acting executive director until the new DOPL organization is fully transitioned.





## Board Decisions

### Consecutive Numbering of Lots Required in Subdivisions

Several professional land surveyors have approached Board staff with questions related to apparent conflicts between Idaho Code and local ordinances related to subdivision plats. The primary concern is that some jurisdictions are requiring plats to show some lots designated with numbers and other lots labeled as "tracts" designated by letters. These questions are coming from both platting surveyors and reviewing surveyors working under **50-1305 Idaho Code**.

#### Analysis:

**Idaho Code 50-1304(2)**; Essential of Plats; reads in pertinent part:

**50-1304. ESSENTIALS OF PLATS. (2)** *The plat shall show: (a) the streets and alleys, with widths and courses clearly shown; (b) each street named; (c) **all lots numbered consecutively in each block, and each block lettered or numbered**, provided however, in a platted cemetery, that each block, section, district or division and each burial lot shall be designated by number or letter or name; [emphasis added]*

The clear language of the statute requires consecutive numbering for all lots within each block. The primary purpose of the plat is to create the individual parcels and the legal description for each. The requirement that the designations be "numbered consecutively" is intended to make the descriptions uniform throughout the State of Idaho. While the Statute allows the political subdivisions local control over many functions of subdividing, the core system of describing the lots is fixed in code. Every parcel created by plat must be consecutively numbered within each block, except for burial lots in cemeteries.





## Board Decisions



### Consecutive Numbering of Lots Required in Subdivisions (Continued)

The second component to this question is the use of the term “Tract” to designate lots. The terms “lot” and “tract” are not defined in statute. Both terms are used throughout Title 50, Chapter 13 and meanings can be derived with reasonable certainty. Context tells us repeatedly that “tract” is the larger parcel and “lot” is the unit of division. The term “tract” is used nearly 120 times in Idaho Code and almost universally refers to larger parcels as opposed to units of a subdivision.

#### Summary:

**Idaho Code 50-1304** states that all lots in the subdivision are to be numbered consecutively. The fact that an exception for cemeteries is described immediately after this makes the existence of other, unwritten exceptions highly unlikely. The absence of a prohibition against using terms other than “lot” should not be construed as an invitation to do so. This is especially true where the term being used to describe lots has a different common meaning. Both the platting surveyor and the **50-1305** reviewing surveyor must adhere to the clear language of the statute. Where local ordinance does not follow Idaho Code, the professional land surveyor must work with the local authority having jurisdiction to resolve the conflict in a productive and professional manner.





## Board Decisions

### Revised Plans Must Be Signed and Sealed and Dated

#### Question

Our office has received some submittals from a design engineer and there is a bit of an impasse on what is required for revisions. There are other issues as well, but the primary questions needing clarification are regarding engineering standards of care with stamps, dates, and signatures. I was hoping to verify our agency is on the right path and not getting sideways. Would you be able to look through this and provide any guidance? If there is a better avenue to follow up, please let me know.

Generally speaking, what is the engineering standard of care for revised construction plans and specifications? If a revised plan set is submitted for construction approval, is it appropriate for the plans to have the original design date, or would revisions be expected to have new dates? A few specific bullet point questions to try and cover the basic options:

1. Is it acceptable for revised drawings to bear the original stamp, date, and signature with no notation of revision?
2. Is it acceptable for revised drawings to bear the original stamp, date, and signature with a change log noting revisions to the plans?
3. Is it acceptable for just revised sheets to have new stamps, dates, and signatures?
4. Is it acceptable for the revised sheets and the cover sheet to have new stamps, dates, and signatures?
5. Is it acceptable for just the cover sheet of revised plans to have a new stamp, date, and signature, but revised sheets bear original stamp date?







## Board Decisions



### **Revised Plans Must Be Signed and Sealed and Dated (Continued)**

And as a minor secondary question, does the date of a stamp for specifications need a day, or is a month and year acceptable? IE, would stamping specifications with "November 2020" be adequate, or would that need a day as well?

The questions are arising for standards of care, but also for version control. Our office has typically referred to plans by the name and the date on the cover sheet. For revised plans that maintain the same date, that method is problematic. We're hoping to provide clarity for utilities involved to ensure all parties are discussing the same set of plans.

Thanks,  
DEQ





## Board Member Highlights

### Revised Plans Must Be Signed and Sealed and Dated (Continued)

#### Answer

In general, while the “standard of care” isn’t defined other than in the court’s precedential case law or the Board’s precedential orders, it’s not appropriate for an engineer to re-submit changed/revised drawings/plans/specifications exclusively with the original signature/seal and date. The documents should be re-sealed with a new signature/date and the revisions noted along with the date of the revision. The key element would be clearly showing the revisions, date of revisions and clear signature/date and seal with the revisions. Work not revised would not need to change.





## Board Decisions



### Revised Plans Must Be Signed and Sealed and Dated (Continued)

For example, if a site drawing (S-1) has a pump building added to meet project requirements or specific code requirements not in the original design, but that was the only change to the drawing package, then S-1 could be reprinted with a revised date, a new seal, signature and date placed on S-1 and the package re-submitted (nothing else changed other than S-1).

If that pump house increased the pressure in the distribution system and the pipe specifications needed to change on M-1, M-2 and M-3 – then S-1, M-1, M-2 and M-3 all would show the revisions, the date of the revisions and new seal, signature and date on all four sheets, leaving the un-revised sheets with the original work (seal, signature and dates). The answers to your bullet questions are below:

1. Is it acceptable for revised drawings to bear the original stamp, date, and signature with no notation of revision? - No.
2. Is it acceptable for revised drawings to bear the original stamp, date, and signature with a change log noting revisions to the plans? - No.
3. Is it acceptable for just revised sheets to have new stamps, dates, and signatures?  
– Yes.
4. Is it acceptable for the revised sheets and the cover sheet to have new stamps, dates, and signatures? – Yes.
5. Is it acceptable for just the cover sheet of revised plans to have a new stamp, date, and signature, but revised sheets bear original stamp date? - No.





## Statute and Rule Changes

### Rule Changes Adopted by the Legislature in 2021

The legislature approved the Board's rule changes this year. Two are related to continuing professional development (CPD). One simplifies the requirements for earning CPD by simply stating the basic requirements of 15 PDHs per year or 30 PDHs per biennium. The carryover of CPD was removed from the rule, but the Board chose to adopt a policy that allows carryover so the basic carryover of 30 PDHs per biennium continues with no change. A new provision to allow the Board to waive the CPD requirements during periods of emergency was added. Finally, the definition of misconduct was amended and now includes a violation of any Idaho law or rule that applies to the practice of engineering or land surveying.

### Law Changes Adopted by the Legislature in 2021

The legislature passed and the governor signed Senate Bill 1011 that updated the state plane coordinate provisions to align with the new datums the National Geodetic Survey intends to implement in the coming years.

### Out-year Rule Changes Considered by the Board

The governor issued executive order EO 2020-01 Zero Based Regulation that places a moratorium on new rules in 2021. It also implements a review process whereby all rules will be reviewed once in the next five years using a process that repeals existing rules and re-evaluates whether to reauthorize new rules going forward.







## Statute and Rule Changes



### Out-year Rule Changes Considered by the Board (Continued)

Future rule changes will be made once in the next five years as part of this effort instead of annually as had been the Board's practice. The Board's rules are proposed to be evaluated in fiscal year 2023 or beyond.

The legislature did not yet approve the Board's rules again this year so the Board implemented temporary rules effective at the adjournment of the legislature. One new rule will be added to adopt the official datums for state plane projections in 2021.







## Statute and Rule Changes

### Out-year Law Changes Considered by the Board

Housekeeping law changes in 2022 and beyond

- Basis of bearing
- Corner records
- Interns
- Monument definition
- Ties to Public Land Survey Corners
- Signatures

The proposed outyear definition changes for plats, corner records and records of survey are as follows:

#### **31-3205. RECORDER'S FEES.**

**(4)** All instruments delivered to the county recorder for record shall be recorded rather than filed with the exception of plats, surveys, cornerstone markers corner records and instruments under the uniform commercial code.





# Statute and Rule Changes



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

**54-1202. DEFINITIONS.** As used in this chapter, unless the context or subject matter requires otherwise.

**(7)** "Engineer intern" means a person who has ~~qualified for, taken and passed an examination in the fundamentals of engineering subjects~~ been duly certified as an engineer intern by the board as provided in this chapter.

**(8)** "Land surveyor intern" means a person who has ~~qualified for, taken and passed an examination in the fundamentals of surveying~~ been duly certified as a land surveyor intern by the board as provided in this chapter.

**(18)** Signature. The term "Signature" ~~means either~~ shall include the terms "manual signature", "facsimile signature" and "digital signature" and shall be defined as follows:

(a) Manual Signature. A manual signature is an original handwritten message-identification containing the name of the person who applied it to a document or record that identifies the person, serves as a means of authentication of the contents of the document, provides responsibility for the creation of the document and provides for accountability for the contents of the document; (b) facsimile signature.





## Statute and Rule Changes

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

A facsimile signature is a graphic representation of a manual signature attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record; or (b)(c) Digital Signature. A digital signature is a digital signature, which is an electronic document authentication process attached to or logically associated with an electronic document, and executed or adopted by a person with the intent to sign the document or record. The A digital signature must be unique to the person using it; must be capable of verification; must be under the sole control of the person using it; and must be linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed. A facsimile or digital signature carries the same force and effect as a manual signature.)

#### 54-1215 Idaho Code

**(3)** Except for engineering faculty holding a restricted license pursuant to section **54-1214(5), Idaho Code**, each licensee hereunder shall, upon licensure, obtain a seal, the use and design of which are described below.



# Statute and Rule Changes



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

It shall be unlawful for any person to affix or to permit his seal and signature to be affixed to any documents after the license of the licensee named thereon has expired or has been retired, suspended, or revoked, unless said license shall have been renewed, reinstated, or reissued, or for the purpose of aiding or abetting any other person to evade or attempt to evade any portion of this chapter.

(a) The seal may be a rubber stamp, crimp or electronically generated image. Whenever the seal is applied, the licensee's signature and date shall also be included. If the signature is ~~handwritten~~ manual or a facsimile, it shall be adjacent to or across the seal. No further words or wording is required. ~~A facsimile signature generated by any method will not be acceptable unless accompanied by a digital signature.~~ Any hard copy printed from a transmitted digitally signed electronic file shall bear the image of the digital signature and seal and be a confirmation that the electronic file was not altered after the initial digital signing of the file.

**50-1301. DEFINITIONS.** The following definitions shall apply to terms used in this section and sections **50-1302** through **50-1334, Idaho Code.**







## Statute and Rule Changes



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

**(1)** Basis of bearing: (a) The bearing in degrees, minutes and seconds, or equivalent, of a line between two **(2)** monuments or two (2) monumented corners that serves as the reference bearing for all other lines on the survey; or (b) a description of the bearing system used to include a complete citation of the datum, epoch and name of the published projection used must be shown on the survey. If a custom projection is used, the datum, epoch and all defining parameters of the projection shall also be shown on the survey. For surveys where the bearing system is shown in accordance with sub-section (b) herein, the convergence angle computed at a minimum of one monument on the survey must be shown.

**(6)** Monument: A physical structure or object ~~that occupies the position of a corner~~ intended to mark, reference or witness a line, corner or position;





## Statute and Rule Changes



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

**(11)** Public land survey corner: Any point actually established and monumented in an original survey or resurvey that determines the boundaries of remaining public lands, or public lands patented, represented on an official plat and in the field notes thereof, accepted and approved under authority delegated by congress to the U.S. general land office and the U.S. department of the interior, bureau of land management, this excludes GLO-surveyed townsite lot corners, except those marking exterior angle points or block corners within the townsite;

**55-1603.** DEFINITIONS. Except where the context indicates a different meaning, terms used in this chapter shall be defined as follows:

**(7)** "Monument" means a physical structure ~~that occupies the exact position of a corner~~ intended to mark, reference or witness a line, corner or position.





## Statute and Rule Changes



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

**55-1902. DEFINITIONS.** As used in this chapter:

(1) "Basis of bearing" means (a) the bearing in degrees, minutes and seconds, or equivalent, of a line between two (2) monuments or two (2) monumented corners that serves as the reference bearing for all other lines on the survey, or (b) a description of the bearing system used to include a complete citation of the datum, epoch and name of the published projection used must be shown on the survey. If a custom projection is used, the datum, epoch and all defining parameters of the projection shall also be shown on the survey. For surveys where the bearing system is shown in accordance with sub-section (b) herein, the convergence angle computed at a minimum of one monument on the survey must be shown.

(6) "Monument" is a physical structure or object ~~that occupies the exact position of a corner intended to mark, reference or witness a line, corner or position.~~

Ties to monuments legislative language is pending final Board approval.





Education

Idaho State University now offers a survey certificate that can be used to meet the 30 semester credits of surveying courses required for those with related science degrees. For information contact Robert Liimakka at [liimrobe@isu.edu](mailto:liimrobe@isu.edu).

ISU is also looking for surveying technicians that want to enhance their education and certifications. ISU offers a part-time education opportunity for current survey technicians and other survey personnel to earn college credits and gain additional certifications while working in their current positions. Eight courses from the Surveying and Geomatics Engineering Technology program have been grouped to prepare students to pass NSPS Certified Survey Technician Examinations, Levels 1, 2, or 3. This grouping of 8 courses is called the TRIPOD program. Students in the TRIPOD program will take two surveying courses each fall and spring. There are not any scheduled class meeting times, and students can study at their convenience. All credits can be applied to earning an associate degree in Civil Engineering Technology or a bachelor's degree in Surveying and Geomatics Engineering Technology if the students decide to continue their education beyond the TRIPOD program and want to be licensed as a professional land surveyor. For more information go to

<https://bit.ly/3tIKo6H>







## Examinations and Licensure

### NCEES PE Examination Changes

PE exams transitioning to computer-based testing on October 20, 2021 include: Agricultural and Biological; Electrical and Computer (EC) – Computer and EC Electronics, Controls and Communications; and Metal and Mineral Processing. PE exams offering the last pencil-and-paper exam (and then converting to CBT) on October 21, 2021 include: Civil; Controls Systems Engineering; and Metallurgical and Materials. The PE Nuclear exam new specifications will be effective October 1, 2021 and are posted on the NCEES website. The PE 16-hour Structural exam new design standards are posted on the NCEES website and will be effective with the October 2021 administration. For the current examination schedule see <https://ncees.org/exams/schedule/>





## Examinations and Licensure

### New Idaho Professional Engineers and Land Surveyors Licensed by Examination between October 1, 2020 and March 31, 2021

First Name	Last Name	City	State	Exam
JAY	ABO	BOISE	ID	EE
JOHN	ASCHENBRENNER	FILER	ID	CE
KELLI	BAKER	KUNA	ID	CE
JASON	BELLER	IDAHO FALLS	ID	ME
JUSTIN	BESCHORNER	BOISE	ID	CE
JENNIFER	BLOOD	LEWISTON	ID	CE
SEAN	BOGGS	CHUBBUCK	ID	LS
ERIK	BOSCHULTE	BOISE	ID	CE
EDWARD	CABALE	COEUR D'ALENE	ID	CE
DAVID	CAMPION	BOISE	ID	ME
TARA	CAPSON	POCATELLO	ID	CE
WAYNE A	CAUDELL	MERIDIAN	ID	LS
HOWARD	COOLEY III	LEWSITON	ID	CE





## Examinations and Licensure



### New Idaho Professional Engineers and Land Surveyors Licensed by Examination between October 1, 2020 and March 31, 2021 (Continued)

First Name	Last Name	City	State	Exam
JASON	COOPER	IONA	ID	CE
BEEMA	DAHAL	EAGLE	ID	CE
KYLE	DESHON	DOVER	NH	CE
CAILIN	FARRIS	GARDEN CITY	ID	ME
JAMES	FISHER	BOISE	ID	CE
TIMOTHY	GASKINS	BOISE	ID	LS
HALEY	GODDARD	BOISE	ID	CE
JESS	GODFREY	OROFINO	ID	ME
TIFFANY	GREYSON	BOISE	ID	EE
NICHOLAS P	GRIFFITH	BOISE	ID	CE
JAKERY L	GROAT	BOISE	ID	EE
DARRELL	HANNERS	CHUBBUCK	ID	LS
REGAN	HANSEN	BOISE	ID	CE





## Examinations and Licensure

### New Idaho Professional Engineers and Land Surveyors Licensed by Examination between October 1, 2020 and March 31, 2021 (Continued)

First Name	Last Name	City	State	Exam
NATHAN	HICKEY	COEUR D'ALENE	ID	CE
BRANDON	HILL	IDAHO FALLS	ID	ME
TRAVIS	HITCHCOCK	SHOSHONE	ID	CE
JORDAN	HRISTOV	MERIDIAN	ID	LS
BRANDON	HUSS	BOISE	ID	CE
LAUREN	JARED	BOISE	ID	CE
DREW	JOHNSON	BOISE	ID	CE
RAYMOND D	KIMBALL	POST FALLS	ID	LS
BRIAN	KLATT	COEUR D'ALENE	ID	CE
JOETI	KLEIN	KIMBERLY	ID	CE
BRANDON	LANDRUM	DECLO	ID	CE
CHAD	LEATHERMAN	MERIDIAN	ID	LS
SEUNG JAE	LEE	BOISE	ID	CE





## Examinations and Licensure



### New Idaho Professional Engineers and Land Surveyors Licensed by Examination between October 1, 2020 and March 31, 2021 (Continued)

First Name	Last Name	City	State	Exam
MARCUS J	LEVESEY	COEUR D'ALENE	ID	CE
JAMISON	LOVELESS	BOISE	ID	CE
BRUNO	LOZA	BOISE	ID	EE
MATTHEW J	MARION	BOISE	ID	ME
SUPREME	MASKEY	MERIDIAN	ID	CE
NICHOLAS	MESTRE	DRIGGS	ID	CE
TAUSHA	MILLER	COEUR D'ALENE	ID	CE
NATHAN	MORGAN	BOISE	ID	CE
JACOB T.	MURPHY	MERIDIAN	ID	CE
MAXWELL	NICHOLS	BOISE	ID	CE
MICHELLE	PAULSON	EAGLE	ID	CE
ARTHUR	PRATT	POCATELLO	ID	CE





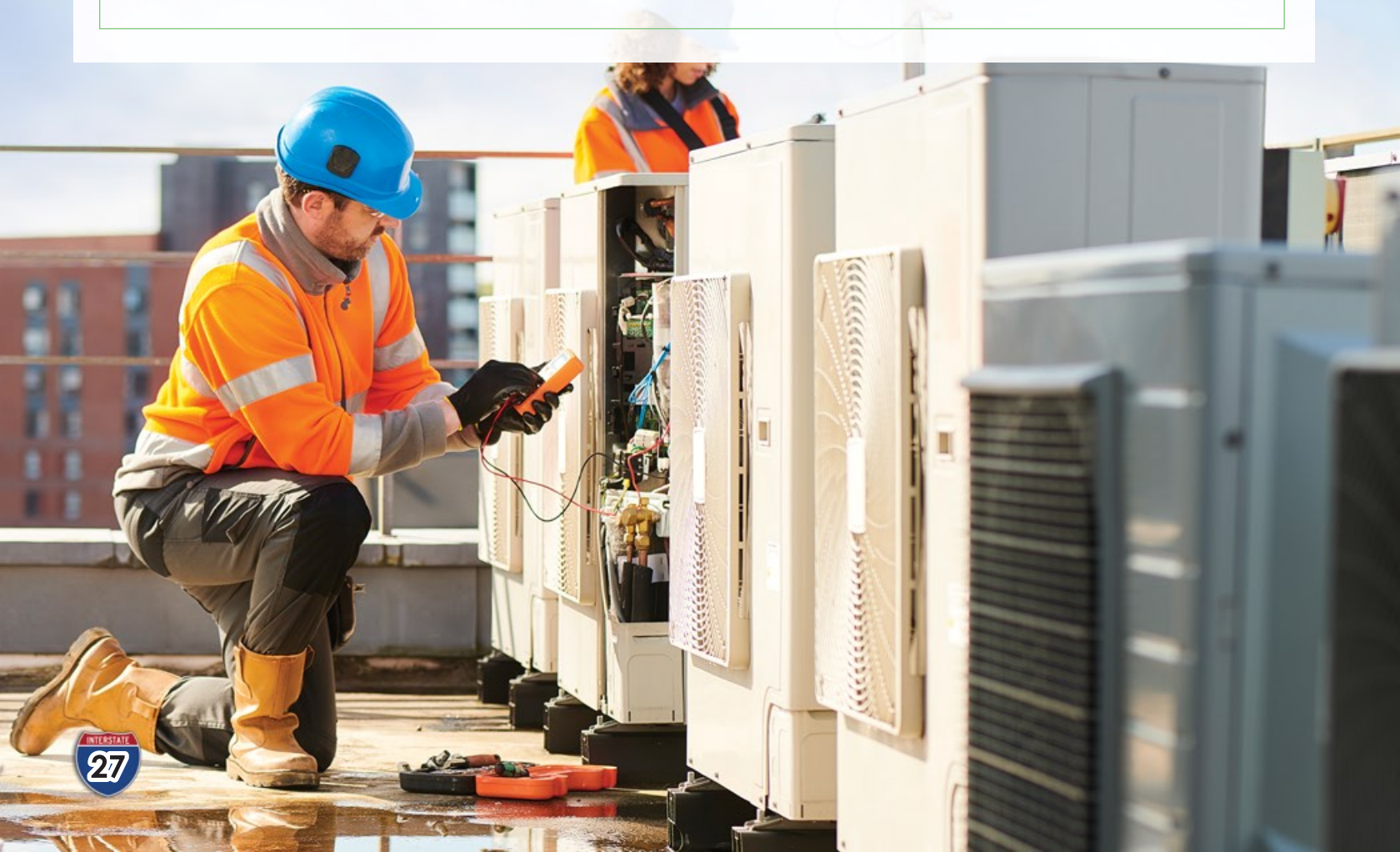


## Examinations and Licensure



### New Idaho Professional Engineers and Land Surveyors Licensed by Examination between October 1, 2020 and March 31, 2021 (Continued)

First Name	Last Name	City	State	Exam
JARED	RICHENS	POCATELLO	ID	EnvE
GREGORY	ROBERTS	POCATELLO	ID	CE
TAYLOR	ROMENESKO	BOISE	ID	CE
MATT	ROSKENS	MERIDIAN	ID	CsE
JACOB	SKAUG	PULLMAN	WA	EE
CLAIRE	SMARDA	GARDEN CITY	ID	CE
CHASE	STEIGERS	BOISE	ID	CE
SHANNON	STEIN	COEUR D'ALENE	ID	CE
LOGAN J	TEW	IDAHO FALLS	ID	ME
DELEON	THOMPSON	IDAHO FALLS	ID	EE
ANDREW	TURNER	GARDEN CITY	ID	CE
JAMES	WALTER	BOISE	ID	ChE



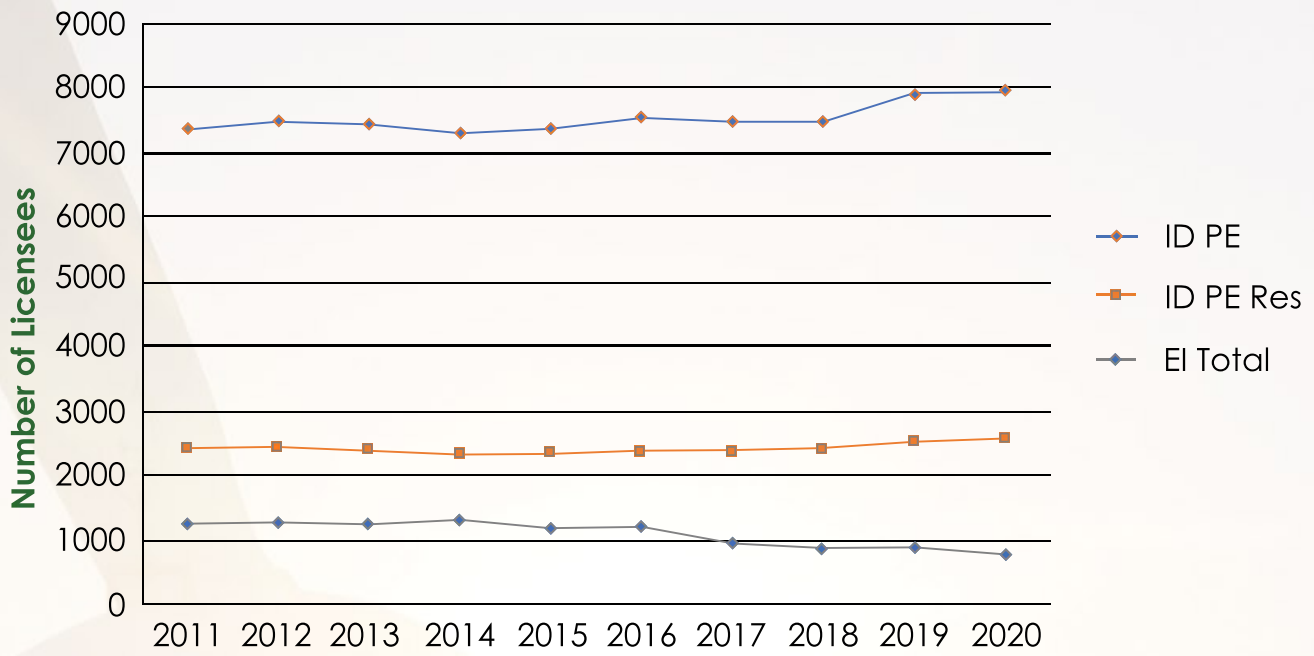




# Examinations and Licensure



## PE Licensure Trends

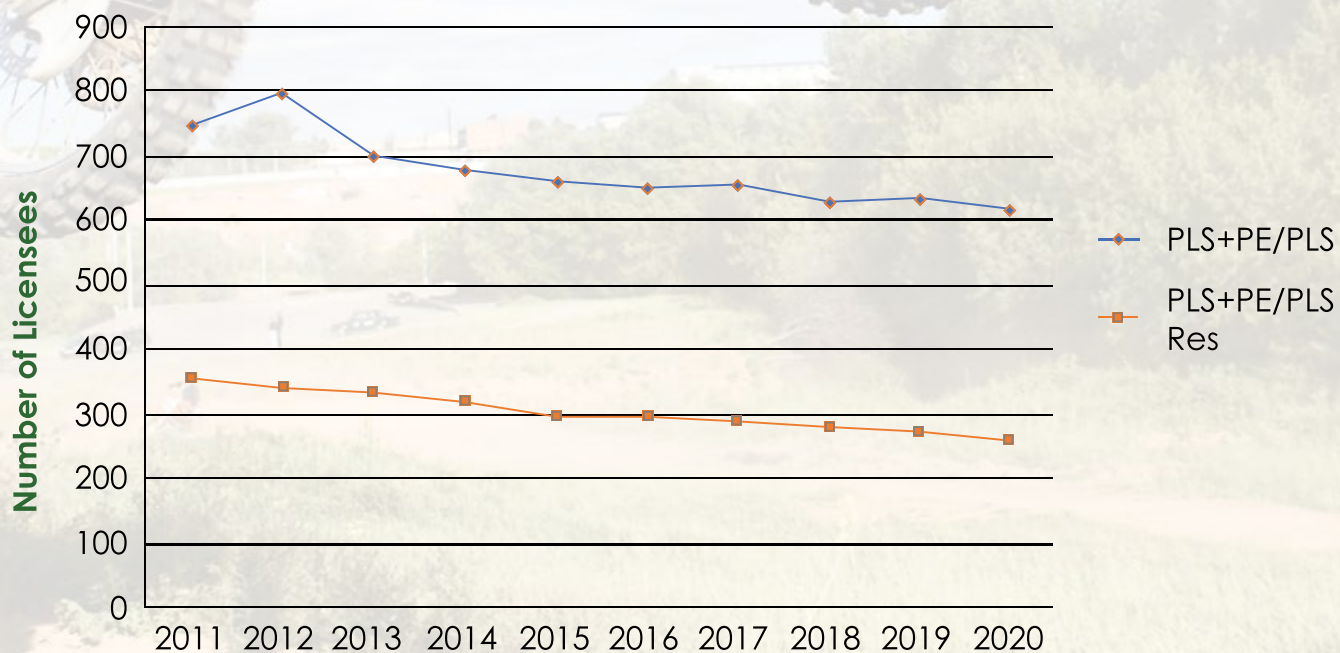




# Examinations and Licensure



## PLS Licensure Trends



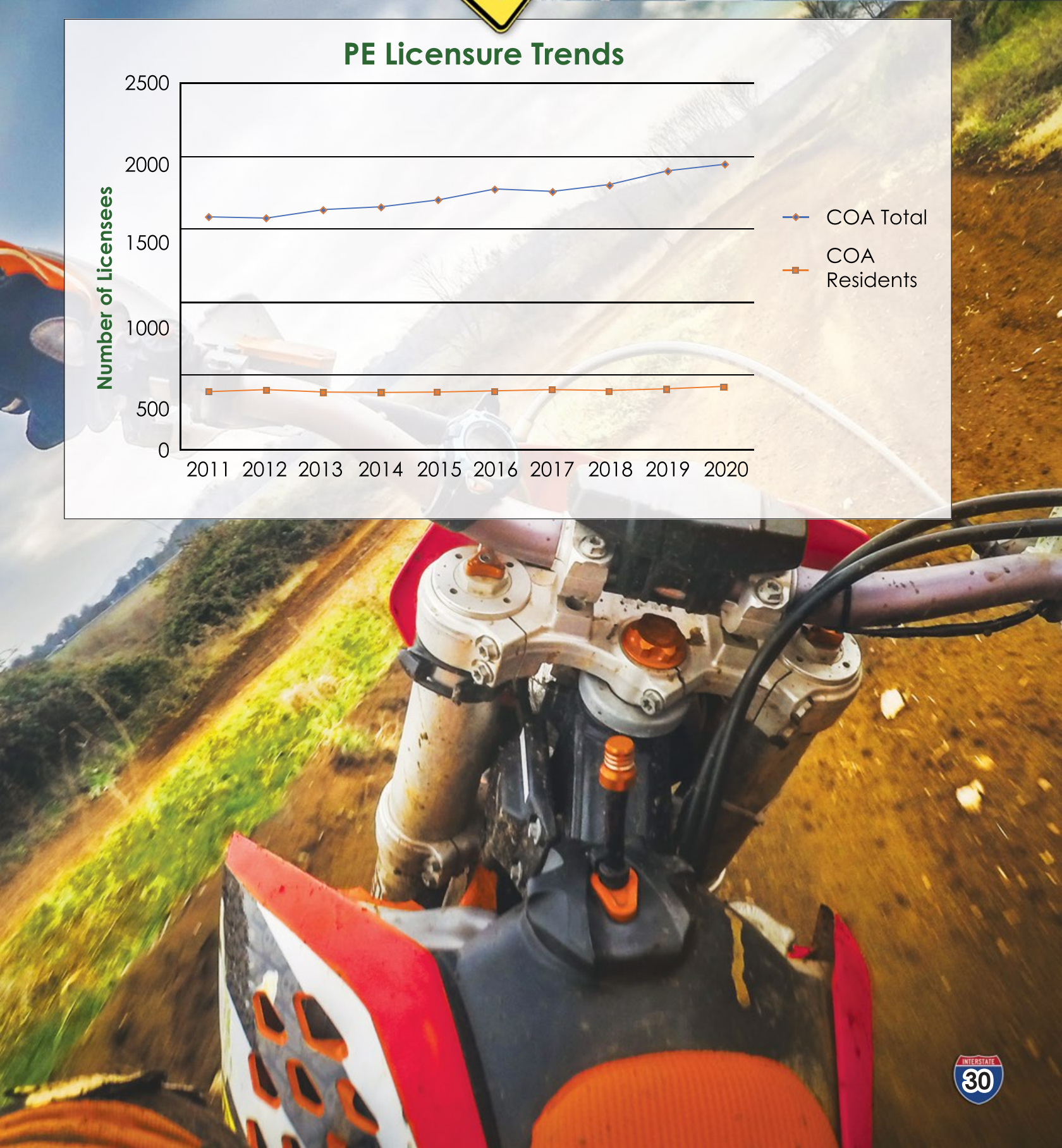
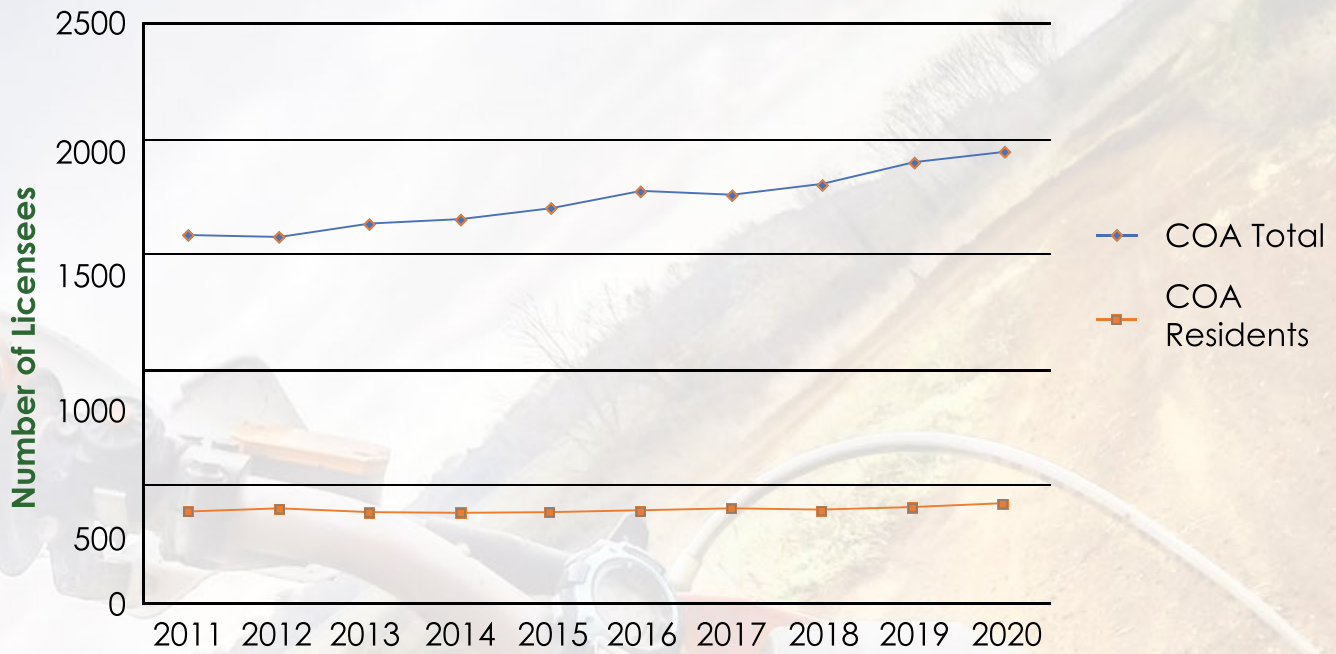




# Examinations and Licensure



## PE Licensure Trends







## Examinations and Licensure



## Renewal Notices Only Sent Electronically

Starting on July 1, the board will only send hard copy renewal notices to those who do not have an email address with the board. All other renewal notices will be sent electronically to the email address on record.





## Enforcement

### Disciplinary Actions

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

#### **In the matter of Cody McCammon, P.L.S.**

The matter involves a landowner complaint and admission of violations of the notice requirements for right-of-entry. Mr. McCammon's survey crew visited a site where fences were crossed onto private land not owned by his client without providing the notice required by **54-1230**, Idaho Code. Mr. McCammon acknowledged the violation. The Board admonished and fined Mr. McCammon \$500 plus \$500 for investigative costs and attorney fees.

### Cases Dismissed by the Board

#### **P.L.S. in S.E. Idaho**

The Board reviewed a letter sent regarding a P.L.S. licensee and his employer in S.E. Idaho. The matter involved a subdivision plat that was completed by a P.L.S. while employed by an engineering company. Later the P.L.S. changed employers, working for a surveying company.







Enforcement

STOP

## Cases Dismissed by the Board (Continued)

While the P.L.S. was working for the surveying company, the client of the engineering company wanted the plat updated at short notice so it could be submitted for review. Apparently the engineering company could not meet the timeline request of the client. The client then contacted the P.L.S. who last updated the plat. The client had obtained a release from the engineering company for his use of the plat and other documents. The P.L.S. only changed the dates and title block on the plat, and signed and sealed it so the client could submit it on time. Several months later, a letter was sent to the P.L.S. and his employer alleging violations of copyright laws and the Board's conflict of interest rule (**IDAPA 24.32.01.103.02**) regarding Compensation from Multiple Parties on the Same Project. This rule states "A Licensee or Certificate Holder may accept compensation, financial or otherwise, from more than one (1) party for services on the same project, or for services pertaining to the same project, provided the circumstances are fully disclosed in writing, in advance and agreed to by all interested parties."





## Enforcement

### Cases Dismissed by the Board (Continued)

The Board authorized an investigation. The findings included the fact no written contract existed between the client and the engineering company. There was only a verbal contract. The language of the release for use of the plat was not clearly written to prohibit a revision and use by the client. The investigator also evaluated whether the Board's rule IDAPA **24.32.01.104.03** regarding Assignments on which Others are Employed was violated. This rule states: "A Licensee or Certificate Holder may not knowingly seek or accept employment for professional services for an assignment that another Licensee or Certificate Holder is employed, or contracted to perform without the currently employed or contracted entity being informed in writing." It was clear from the investigation that the spirit of the above rule was violated in that the P.L.S. and his company had an obligation to notify the engineering company that they intended to complete this work. The client was a longstanding client of the engineering company. The rule regarding compensation from multiple parties applies mostly to cost sharing arrangements where there is or should be agreement to share costs for the project, and therefore was not applicable in this situation.





Enforcement

**STOP**



## Cases Dismissed by the Board (Continued)

Because there was no written contract and the disclosure language lacked clarity, the prosecutor did not believe there was clear and convincing evidence to prosecute the case. The Board dismissed the matter as unfounded but issued a letter of caution that in the future, proper notice should be provided.

A complaint was received by the board from a landowner in northern Idaho toward a P.L.S. The P.L.S. is also a developer and had proposed a variance for a privately maintained public road that accessed several large lots in his proposed subdivision. The new subdivision lots were mostly accessed via a county maintained public or other roads and not the privately maintained public road that was the subject of the complaint. The privately maintained public road is an existing single lane road that the complainant believed should be upgraded to a higher road standard based on county ordinance and his estimates of daily traffic. The county was requesting additional right-of-way width for both roads to better meet county road width standards and was in a position to require improvements to the privately maintained public road. The P.L.S. (as a developer) negotiated a variance with the county and offered additional right-of-way for both the publically and privately maintained roads but did not offer to improve the privately maintained county road.





Enforcement



## Cases Dismissed by the Board (Continued)

The complaint alleged the P.L.S. threatened the county and made misleading statements in the negotiated effort for the variance. The threat involved a statement where the P.L.S. would wait one year prior to submitting the subdivision plat in order to qualify under a different county ordinance that would not give the county leverage in obtaining additional right-of-way. The misleading statements addressed statements made in the application related to traffic calculations and projections for the privately maintained public road. The complainant also alleged violations of county process for granting variances. The county did grant the variance. After consideration, the board dismissed the complaint as lacking jurisdiction. The allegations were not directly or indirectly tied to the practice of professional land surveying, but relate to the P.L.S.'s other business interests and as a result the board has no jurisdiction in the matter.







Enforcement

STOP

## P.L.S. in Northern Idaho

The complainant contends a professional surveyor demonstrated incompetence in a series of surveying activities. The allegations included surveying two adjoining properties using ties to different PLSS monuments, creating easements on the complainant's property without his permission, failing to recognize the complainant's deed as senior to his adjoiner, and failing to recognize a "scriveners' error" where a deed call for the one side of a road should have been for the other side of the road.

The surveyor performed surveys of two adjoining properties, using the PLSS monuments called for in the deeds. The deeds did not reference the same lines of the PLSS and were therefore tied to different lines. One of the surveys by the respondent showed proposed easements pursuant to an agreement between the owners. The agreement fell apart and the easement documents were never executed or recorded. The P.L.S. (correctly) explained the survey does not create an easement and has agreed to file an amended ROS or affidavit to assuage the concerns of the owner.





Enforcement

## **P.L.S. in Northern Idaho (Continued)**

The second survey the P.L.S. prepared was an exhibit for a court case between the adjoining owners. The parcels that were the subject of the suit had nothing to do with the area of the alleged “scriveners’ error”. The parcel the complainant was concerned about has nothing to do with the dispute or the surveying by the P.L.S. The question of junior – senior rights was irrelevant as the P.L.S. read the deeds as being coincident.

It is important to note the complaint was submitted after the courts resolved a boundary dispute with an order unfavorable to the complainant. The P.L.S. was the expert for the opposing party. The Board dismissed the complaint as unfounded.





In Memory of  
Those Recently  
Deceased



## IN MEMORY OF THOSE RECENTLY DECEASED

First Name	Last Name	License	City	State	Date
John S	Austin	L-5081 (LS)	Nampa	ID	1/9/20
Jeffrey Brent	Bradley	P-7794 (CE)	Salem	OR	9/17/20
Charles D	Cuddy	L-885 (LS)	Orofino	ID	1/24/21
Joseph Carl	Dille	P-2097(CE/SE), L-2097	Boise	ID	3/1/21
John Donald	Jacoby	P-2270 (CE, SE)	Ketchum	ID	4/5/20
Richard A	Jobes	P-1600 (CE/SE)	Boise	ID	4/2/21
Arthur H	Nielson JR	P-1266 (EE)	Pocatello	ID	4/15/20
Steven Lowell	Richards	P-2745(ME)	Sandy	UT	1/7/21
Larry L	Waters	P-15178 (CE)	Meridian	ID	3/26/21
Roger Graham	Young	PL-1470 (ME/LS)	Mountain Home	ID	1/12/21

### Historical Photo

Yellowstone Trail Highway  
(Road Construction)  
27-09-27







## Calendar of Upcoming Events



August 2-3, 2021  
August 19-21, 2021  
August 27, 2021  
September 9-10, 2021  
October 22-23, 2021  
November 15-16, 2021  
February 3-4, 2022  
April 15, 2022  
April 14-15, 2022  
May 19-21, 2022  
June 9-10, 2022

Board Retreat in Riggins, Idaho  
NCEES Annual Meeting, New Orleans, LA  
Deadline for Registering with NCEES for October PE Exams  
Board Meeting in Meridian, Idaho  
PE & SE Examinations in Boise, Idaho  
Board Meeting with Deans in Meridian, Idaho  
Board Meeting in Meridian, Idaho  
SE Examinations in Boise, Idaho  
Board Meeting in Meridian, Idaho  
NCEES Western Zone Meeting in Stateline, NV  
Board & ISPE Meeting TBD

### Board Staff

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