



State of Idaho

Division Of Occupational and Professional Licenses Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors

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Draft Minutes of 05/09/2024

Board Members Present:	Dick Jacobson, Chair Ray Watkins, Vice Chair Sondra Miller Glenn Bennett Keith Brooks	Division Staff:	Jessica Spoja, Executive Officer Mark Kubinski, Lead Counsel Nicole Kenyon, Licensing Supervisor Don Morse, Investigations Supervisor Erin Einarsson, Board Support Specialist Patty Sayre, Technical Records Spc. 2
Board Members Absent:	Tom Ruby, Secretary Wyatt Johnson	Others Present:	Andrea Rosholt, Prosecution Counsel

The meeting was called to order at 9:02 AM MT by Chairman Dick Jacobson.

APPROVAL OF 02/26/2024 MINUTES

A motion was made and seconded to approve the February 26, 2024 meeting minutes. The motion carried unanimously.

INTRODUCTION: The Division's Lead Counsel, Mark Kubinski, was introduced.

DIVISION BUSINESS

Finance Report: Executive Officer (E.O.) Jessica Spoja addressed the Financial Report, "REVENUES and EXPENDITURES as of April 1, 2024". With regards to the previously presented Cash Balance, the proposal to move extra funds to the Idaho Launch Program was not approved by the legislature. DOPL will work with the Board to determine their choices and will present that strategy at the next legislative session.

Public Member Training: As the Board's Public Member Representative was unable to attend the meeting, this topic has been postponed until the next meeting.

Legislative Updates: E.O. Spoja provided updates on the status of the following bills:

- **H0505:** Effective July 1, 2024, this bill allows the Division until July 1, 2028, to transition its annual license renewals to a biennial schedule.
- **H0563:** Effective July 1, 2024, relating to the Idaho Administrative Procedure Act, this bill amends section 67-5226 revising the adoption of temporary rules, section 67-5229 revising the adoption by reference provision to include legislative review of the incorporated

material and require the material be accessible to the public and section 67-5292 requiring periodic review of administrative rules.

- **H0646**: Effective March 28, 2024, this bill revises the county boundaries of Benewah, Bonner, Clearwater, Kootenai, Latah, and Shoshone.
- **H0705**: Effective July 1, 2024, with compliance by July 1, 2025, the bill includes continuing education conditions for the renewal of licenses to licensed professionals in good standing to practice in Idaho.
- **H0767**: Effective April 8, 2024, this bill sets the effective date of July 1 for all pending rules approved by the legislature.
- **S1298**: Effective July 1, 2024, the bill amends Idaho Code Sections 50-1301 and 55-1892 to revise the definition of “Basis of Bearing” into two options.
- **S1429a**: Effective July 1, 2024, this bill establishes provisions for licensed professionals to request a waiver or variance from statutory occupational licensing requirements and establishes a process where the licensing authority can approve or deny the request.

Board Member Keith Brooks stated the Board’s online law book needs to be updated every year. E.O. Spoja will put the topic “Law Book Update” on the agenda for the next board meeting.

BOARD BUSINESS

NCEES Candidate Presentations: Individuals declared their candidacy for the positions of NCEES Western Zone President, Vice President, and Assistant Vice President, seeking the Board’s endorsement and vote at the May 2024 NCEES Western Zone Interim Meeting in Boseman, Montana.

Election of Officers: A motion was made and seconded to elect Ray Watkins as Chairman, Tom Ruby as Vice Chairman, and Keith Brooks as Secretary. The motion carried unanimously.

Emeritus Member: Board Member Glenn Bennett’s tenure on the Board concludes May 24, 2024, marking the end of his two-term limit. The Board has the authority to appoint Mr. Bennett as Emeritus Member. A motion was made and seconded to elect Glenn Bennett as Emeritus Member to the Board. The motion carried unanimously.

DOPL Online Services: E.O. Spoja delivered updates about the Division’s upcoming licensing system, OASIS, scheduled to launch on July 1, 2024.

BYU Exam Inquiry: The Board reviewed Board Member Sondra Miller’s response to Bryan Lewis, Professor of Mechanical Engineering at Brigham Young University–Idaho, seeking advice for engineering students preparing for the FE exam. This topic will be featured in the Fall 2024 Newsletter.

Sealing, Signing and Dating Documents: The Board reviewed the response from Chairman Dick Jacobson and Board Member Ray Watkins to Mr. Joe Canning, PE/PLS, Centurion Engineers, Inc., regarding the appropriate application of the engineering/land surveying seal. The discussion focused on whether plans, specifications, or reports submitted to public or governmental agencies for review are to be sealed, signed, and dated. The Board agreed that clients have the right to request stamps.

Subsurface Utility Engineering: E.O. Spoja, with Chairman Jacobson's assistance, replied to an inquiry from Josh Twitty, Advocacy & External Engagement Strategist at NCEES, seeking to evaluate the uniformity among state licensing boards regarding the existence of regulations pertaining to Subsurface Utility Engineering.

Secretary of State DBA Approval: When waivers are denied by the Board, licensing staff have been suggesting to individuals that they can incorporate the term "engineering" in their Doing Business As (DBA) name. The Secretary of State's office has informed DOPL that an approval letter is still required if the legal business name includes "engineering" or a similar variation when registering with a DBA name.

Spring/Summer Newsletter: E.O. Spoja requested a list of potential newsletter topics. Suggestions were Board Opinion inquiries; ZBR process; "Save the Dates"; licensing data; new licensees; discipline cases (no names); 2023 and 2024 legislation that effects licensees; digital signatures (Board Member Watkins and Board Member Ruby); Board leadership changes; "Get to Know a Board Member" and "In Memoriam". The objective is to publish the newsletter by July 1, 2024.

NSPECON24: Board Member Miller expressed interest in attending the upcoming conference scheduled for August 7-9, 2024, in Raleigh, North Carolina.

Amended Agenda: Due to an administrative oversight, the topic "Public Comment(s)" was inadvertently overlooked when creating the agenda. Therefore, acting in good faith, the agenda was revised to include the "Public Comment(s)" section. Pursuant to [Idaho Code § 74-204\(4\)\(b\)](#), a motion was made and seconded to amend the agenda, adding the topic "Public Comment(s)". The motion carried unanimously.

Public Comment(s): John Bilderback, P.E. contacted the board requesting clarification on [Idaho Code § 54-1215\(3\)\(c\)](#) and the Board provided advisory guidance. Mr. Bilderback suggested that this topic be included in the newsletter.

Review of Licensure Applications: Upon reviewing licensure applications, the Board made the following motions.

A motion was made and seconded to approve applications XS-6833, XE-3129, XE-6722, XE-8830, XL-2694, XL-7360, XL-8187, XL-8509, XL-9412, XP-1208, XP-1735, XP-2352, XP-2459, XP-2507, XP-2724, XP-3479, XP-3940, XP-4037, XP-4058, XP-4606, XP-4669, XP-4750, XP-4859, XP-5108A, XP-6012, XP-6052, XP-7361A, XP-7667, XP-7698, XP-7881, XP-8729, and XP-8737. The motion carried unanimously.

A motion was made and seconded to continue or withdraw applications XL-1661, XL-3158, XP-0495, and XP-4997. The motion carried unanimously.

A motion was made and seconded to terminate incomplete applications. The motion carried unanimously.

A motion was made and seconded to deny the waiver request from Construction Specialties. The motion carried unanimously.

Review of Discipline Case(s): Discipline cases were reviewed in Executive Session.

EXECUTIVE SESSION – APPLICATIONS AND DISCIPLINE

Motion to Enter into Executive Session: A motion was made and seconded for the Board to enter into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive session is to discuss documents relating to the fitness of a licensee to obtain or retain a license or registration. Roll call: Chairman Jacobson-Aye, Vice Chairman Watkins-Aye, Board Member Bennett-Aye, Board Member Brooks-Aye, and Board Member Miller-Aye. The motion carried unanimously.

Motion to Exit Executive Session: A motion was made and seconded to exit executive session. The motion carried unanimously.

MOTION(S) RESULTING FROM THE EXECUTIVE SESSION

Motion(s) re: Discipline: A motion was made and seconded to close case numbers I-PELS-2023-2 and I-PELS-2024-22. The motion carried unanimously.

A motion was made and seconded to send the following case number to the Attorney General for formal action: I-PELS-2024-14. The motion carried, with Chairman Jacobson recusing himself.

A motion was made and seconded to send warning letters to case numbers I-PELS-2024-1, I-PELS-2024-16 and I-PELS-2024-24. The motion carried unanimously.

A motion was made and seconded to send a warning letter to the technician in case numbers I-PELS-2024-19 and I-PELS-2024-26. The motion carried unanimously.

A motion was made and seconded to send to prosecution for formal action case numbers I-PELS-2024-12, I-PELS-2024-13, I-PELS-2024-15, I-PELS-2024-18, I-PELS-2024-20, I-PELS-2024-21, I-PELS-2024-23, I-PELS-2024-19, I-PELS-2024-26, I-PELS-2024-8 and I-PELS-2024-9. The motion carried unanimously.

A motion was made and seconded to follow the previously recommended discipline for case number I-PELS-2024-23. The motion carried unanimously.

NCEES Western Zone Interim Meeting Voting: A motion was made and seconded to vote Mohammad Qureshi, Ph.D., P.E., for President; Aaron Blaisdell, PLS, for Vice President; and Sean St. Clair, Ph.D., P.E. for Assistant Vice President. The motion carried unanimously.

ADJOURNMENT

There being no further business, the meeting was adjourned at 4:48 PM.