

MINUTES

**UTAH PROFESSION ENGINEER AND
PROFESSIONAL LAND SURVEYOR
LICENSING BOARD
MEETING and
Rule Hearing**

November 10, 2010

**Room 475, 4th floor, 9:00 A.M.
Heber M. Wells Building
160 East 300 South
Salt Lake City, Utah 84111**

CONVENED: 9:12 A.M.

ADJOURNED: 11:55 A.M.

**Bureau Manager
Board Secretary**

Richard J. Oborn
Lee Avery

Board Members Present

Von Hill, Chairperson
Jonathan Richards
David Wesemann
Norman Bennion
Scott Marsell
Thomas Colvin
Max Peterson

DOPL staff present:

Mark Steinagel, Division Director
Wayne Jeppson, DOPL Investigator

Public Rule Hearing: 9:00 A.M. – 9:30 A.M.

Rule hearing for Utah Admin. Code R156-22. Judge Eklund advised the Board that if there is no opposition to the changes, the rule will become effective on November 22, 2010.

TOPICS FOR DISCUSSION:

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Introductions

The Board members and Division personnel introduced themselves.

Consideration of option to elect new board chairperson and vice chairperson

Mr. Bennion motioned to postpone electing a new chairperson until the July 20, 2011 Board meeting, seconded by Mr. Wesemann. The motion carried unanimously.

Probation Process Training

Mr. Oborn reviewed the discipline tracking form and the probation process including Mr. McFall's criminal history and stipulation.

Compliance Report

Ms. Higgs reviewed the discipline tracking form with the Board. Ms. Higgs reviewed Mr. McFall's file with the Board.

Minutes

Mr. Bennion motioned to approve the September 15, 2010 Board minutes, seconded by Mr. Peterson. The motion carried unanimously.

APPOINTMENT:

Clayton McFall, new probation interview

Mr. McFall met with the Board. Mr. Hill conducted the interview. The Board introduced itself. The Board reviewed the stipulation with Mr. McFall, noting that his probation is for three years. Mr. McFall was convicted in December 2009 of one count of sexual exploitation of a minor, a second degree felony. He was also convicted of one count of attempted exploitation of a minor, a third degree felony. These convictions were due to Mr. McFall's possessing child pornography downloaded from the internet on a personal computer. Mr. McFall stated that he is not licensed in any other state. Mr. McFall was given blank reports for his supervisor and probation officer to complete and was instructed to contact Ms. Higgs with any questions. The Board advised Mr. McFall that it is his responsibility to ensure that his reports are submitted. Mr. McFall stated that he received an audit letter and he is in compliance with the continuing education requirements. Mr. McFall stated that his work associates and family have been very supportive during this process. He was court ordered to take classes and attend group and individual therapy. The Board asked to see Mr. McFall on January 19, 2011. **Mr. McFall is in compliance with his stipulation.**

DISCUSSION ITEMS:

1. Investigation report, Wayne Jeppson

Mr. Jeppson reviewed the statistics and investigated cases regarding professional engineers and professional land surveyors with the Board.

2. Clarification of Professional Engineers and

Mr. Oborn reviewed the Professional Engineers and

Professional Land Surveyors Licensing Act

Professional Land Surveyors Licensing Act, 58-22-302(4), Qualifications for licensure, licensure by endorsement. Mr. Oborn noted that there have been questions regarding individuals holding a land surveyor license in another state with work experience in engineering wanting to obtain an engineer license in Utah. The Board agreed this section should be clarified. The intent is for a licensee in another state to qualify for the same license in Utah. Mr. Oborn stated that clarifying this could be included with other proposed changes to the DOPL statutes.

3. Amendments to Professional Engineers and Professional Land Surveyors Licensing Act Rule

- a. Engineer license by endorsement
- b. Land surveyor license by endorsement

Mr. Oborn reviewed a document titled "Option for Amendments to Definition of Recognized Jurisdiction" with the Board. Mr. Oborn stated that there is a need to clarify the definition of "recognized jurisdiction" as it appears in the Professional Engineers and Professional Land Surveyors Licensing Act Rule. Mr. Oborn proposed that Section R156-22-102 (9) be modified to specify that a "recognized jurisdiction" must have the license requirements established in (a), (b), and (c) in place at the time the applicant submits a license application. The rule should also specify that a recognized jurisdiction must require applicants for initial licensure to verify completion of an engineering degree from an EAC/ABET accredited program. Mr. Marsell proposed Mr. Oborn proceed with wording as outlined, seconded by Mr. Bennion. The motion carried unanimously.

4. Engineer and land surveyor application review

Mr. Oborn stated that there are several applications for review and asked some Board members to review these after the Board meeting.

Next Board Meeting:

January 19, 2011

2011 Board meetings have been tentatively scheduled:
January 19, March 16, May 18, July 20, November 16

ADJOURNED:

The adjourned at: 11:55 A.M.

Note: This report is not intended to be a verbatim transcript, but is intended to record the significant features of what was discussed in the meeting. Discussed items are not necessarily arranged in chronological order.

January 19, 2011
Date Approved:

(ss) Von Hill
Chairperson, Utah Professional Engineers and
Professional Land Surveyors Board Meeting

January 19, 2011
Date Approved:

(ss) Richard J. Oborn
Bureau Manager, Division of Occupational and
Professional Licensing