

MINUTES

**UTAH PROFESSION ENGINEER AND
PROFESSIONAL LAND SURVEYOR
LICENSING BOARD
MEETING**

May 31, 2011

**Room 474, 4th floor, 9:00 A.M.
Heber M. Wells Building
160 East 300 South
Salt Lake City, Utah 84111**

CONVENED: 9:01 A.M.

ADJOURNED: 11:55 A.M.

**Bureau Manager
Board Secretary**

Richard J. Oborn
Lee Avery

Board Members Present

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

Board Members Absent:

Jonathan Richards

DOPL staff present:

Wayne Jeppson, DOPL Investigator

TOPICS FOR DISCUSSION:

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes dated March 16, 2011 were reviewed. Mr. Wesemann motioned to accept the minutes, seconded by Mr. Peterson. The motion carried unanimously.

Ms. Susan Higgs, Compliance Report

#1. R. Craig Brown is in compliance with his stipulation.

#2. Lance Mackie is not in compliance with his stipulation. Mr. Mackie was positive for ETC(alcohol) on March 31, 2011. He missed 4 tests from April 12, 2011 to May 19, 2011.

Discussion:

Mr. Mackie was going through treatment at the Arc of the Little Cottonwood but now he is at Recovery Bridge. Ms. Higgs noted that the Recovery Bridge program is structured differently than a 12 step program. The Board indicated there was not a problem with him attending the program at Recovery Bridge as long as he is also attending a support program. Mr. Mackie works at Michael Baker Corp. Because his license is on probation, he is under a memorandum with them. He is required to successfully complete everything with the courts, DOPL, and not violate the workplace policies. Mr. Mackie signed a new agreement with DOPL that clarifies the consequences of violating the terms of his probation.

APPOINTMENT:

R. Craig Brown, probation interview

Mr. Brown met with the Board. Mr. Hill conducted the interview. Mr. Brown was advised the Division has not received his supervisor reports. Mr. Brown stated that he had been very ill the first of May and was unable to do anything. He has had a difficult time reaching his supervisor because his supervisor was in the process of moving his office in Midvale. He will get his supervisor reports submitted. The Board advised Mr. Brown that the Board still needs to approve his supervisor and he needs to submit his supervisor's curriculum vitae (CV). Mr. Brown advised the Board that because he is on social security, he is limited to how much he can earn each month. The Board reminded Mr. Brown that his reports need to be submitted monthly. As long as he is in compliance with his stipulation and his reports are positive, the Board will reevaluate this in six months. If there is no work then he needs to sign the report stating he is not working. The Board requested Mr. Brown have his supervisor, Mr. David Jenkins, submit the first report by Thursday, June 2, 2011, by 5 P.M. The Board advised Mr. Brown that failure to be in compliance with his stipulation could result in suspension of his license. The Board should have May and June reports for review at the July Board meeting. The Board asked to see Mr. Brown July 20, 2011. **Mr. Brown is not in compliance**

with his stipulation.

#2. Lance Mackie, probation interview

Mr. Mackie met with the Board. Mr. Wesemann conducted the interview. This is Mr. Mackie's first meeting with the Board. He was ill and unable to meet with the Board on March 16, 2011. The Board advised Mr. Mackie that he was positive for alcohol on March 31, 2011. He missed 4 tests from April 12, 2011 to May 19, 2011. Mr. Mackie stated he knew he missed calling in to CVI. The Board reminded him that his Order requires that he call in daily. Mr. Mackie stated he works for Michael Baker Corp. They do mostly civil buildings for the government. Ray Thom is his supervisor. Mr. Mackie stated he went to the Arc of the Little Cottonwood and now attends Recovery Bridge. Mr. Mackie stated that the Recovery Bridge is not a 12 step program. He has been attending AA support groups and finds the support at Recovery Bridge more helpful to him. The Board reviewed Mr. Mackie's stipulation, noting that he is required to attend a 12 step or support group. He does not have to attend both; however, he does need to submit documentation showing he is attending support meetings. Mr. Mackie stated that he attends 2 times a week. The Board advised Mr. Mackie that if he misses any more drug screens, the Division may consider additional disciplinary actions, including suspension or revocation. The Board noted that Mr. Thom submitted 2 supervisor reports for Mr. Mackie. Both are positive. The Board advised Mr. Mackie to contact Ms. Higgs with any questions. The Board asked to see Mr. Mackie July 20, 2011. **Mr. Mackie is not in compliance with his stipulation.**

DISCUSSION ITEMS:

1. Investigation report, Wayne Jeppson

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

2. Clarification of license exemption in 58-22-305(i)(h)

Mr. Oborn advised the Board of the need to clarify a license exemption found in Utah Code 58-22-305 (i)(h). The current language is confusing. The Board agreed that the language should be clarified in a housekeeping bill to be introduced during the next

legislative session. Mr. Wesemenn motioned to support the change, seconded by Mr. Marsell. The motion carried unanimously.

3. Proposed change to definition of
“recognized jurisdiction” in R156-22-102(9)

Mr. Oborn reviewed the proposed rule change regarding “recognized jurisdiction.” Mr. Oborn noted that the current rule is making it very difficult to obtain a license by endorsement in Utah as a professional engineer, structural engineer, and a land surveyor. Under the current definition found in R156-22-102 (9), some individuals are unable to obtain a Utah license regardless of how many years of work experience they have. The Board discussed changing the application to #1. Tighten the information received regarding the applicant being a principal for 5 of the last 7 years. #2. The only way to get an exam waived is to meet with the Board and have the Board waive the exam, and document that the applicant was not required to take and pass the exam at the time they first received a license.

The Board tabled this discussion until the July meeting giving the Board time to review the proposed changes and the application for license.

4. Proposed change to education requirement
for foreign educated applicants

Mr. Oborn reviewed the NCEES approved engineering education for credential evaluations with the Board. Mr. Colvin motioned to accept the proposed changes with recommendations to proceed with the rule changes, and then review the application to clarify and emphasize the standards required for licensure, seconded by Mr. Peterson. The motion carried unanimously.

5. Other changes to Professional Engineer and
Land Surveyor Licensing Act Rule

The Board discussed the continuing education requirement in the Utah rule. Utah requires 12 hours per year. This is comparable to what most states require. The Board noted that the national association is moving to change the model rule to require 4 hours in ethics. Mr. Oborn noted that when the Division audited the CEs, there were no problems with licensees being able to submit the documentation requested. The Board took no further action.

6. Upcoming NCEES conference

Mr. Oborn shared information regarding the

upcoming NCEES conference. The next meeting is August 24-27, 2011, in Providence, Rhode Island. There needs to be one voting delegate from the Board. NCEES will fund one first time attendance to the annual meeting. This Board member must have no more than 18 months on the Board. Mr. Oborn will send additional information to the Board.

Mr. Hill reviewed the proposed FE and FS computer based exams starting January 2013. The Board noted that the changes to do not require a rule change.

Next Board Meeting:

July 20, 2011

2011 Board meetings have been scheduled:

September 21, 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.

September 29, 2011

Date Approved:

(ss) Von Hill

Chairperson, Utah Professional Engineers and
Professional Land Surveyors Board

September 29, 2011

Date Approved:

(ss) Richard J. Oborn

Bureau Manager, Division of Occupational and
Professional Licensing