

MINUTES

**UTAH PROFESSIONAL ENGINEERS AND
PROFESSIONAL LAND SURVEYORS
LICENSING BOARD
MEETING**

September 29, 2011

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

CONVENED: 9:00 A.M.

ADJOURNED: 11:00 A.M.

**Bureau Manager
Board Secretary**

Richard J. Oborn
Lee Avery

Board Members Present

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

Board Members Absent:

Thomas Colvin

DOPL staff present:

Susan Higgs, Compliance Specialist

Guests:

Michael Smith, ACEC Utah

Consideration of option to elect a new Board
Chairperson

Mr. Richards motioned to approve Norm Bennion as
the chairperson, seconded by Mr. Marsell. The
motion carried unanimously.

Mr. Richards motioned to move to have the outgoing
chairperson be a vice chairperson, seconded by Mr.
Bennion. The motion carried unanimously.

TOPICS FOR DISCUSSION:

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes dated May 31, 2011 were reviewed.
Mr. Bennion motioned to accept the minutes,
seconded by Mr. Marsell. The motion carried, with

Mr. Wesemann abstaining because he was not at this Board meeting.

The minutes dated July 20, 2011 were reviewed. Mr. Peterson motioned to accept the minutes with changes, seconded by Mr. Marsell. The motion carried, with Mr. Wesemann abstaining.

Update regarding rule change that modified definition of recognized jurisdiction

Mr. Oborn advised the Board that the rule change became effective September 8, 2011. The Board reviewed the new PE/PLS Licensing Act Rule.

Mr. Hill advised the Board that UVU started a 4 year degree in geomatics (surveying). The land surveying profession nationwide is moving towards a 4 year degree requirement for licensure to be phased in over time.

Ms. Susan Higgs, Compliance report

#1. R. Craig Brown is not in compliance with his stipulation. Mr. Brown has not submitted supervisor reports for August or September.

#2. Lance Mackie is in compliance with his stipulation. He is doing well. He is consistently calling the to find out if he is required to be drug tested and his tests have been negative. He submitted his support group attendance reports.

APPOINTMENT:

#1. R. Craig Brown, probation interview

Mr. Brown met with the Board. Mr. Richards conducted the interview. Mr. Marsell recused himself due to a professional relationship with Brown. Mr. Brown stated things are going well. Work picked up and he is keeping busy. The Board reviewed the design projects that Mr. Brown and Mr. Jenkins reviewed as part of Mr. Brown's supervision.

The Board contacted Mr. David Jenkins via phone. Mr. Jenkins stated they have reviewed numerous home designs. Mr. Brown contacts him with any questions. They have reviewed homes, cabin and garage plans; however, a lot of them have not been

finished yet. Mr. Jenkins stated they discussed Mr. Brown needing to be more selective in the projects he accepts and codes. The Board asked Mr. Jenkins to include this type of information in his reports to the Board. The Board advised Mr. Jenkins the reports need to be submitted by the 20th of the month. Mr. Richards motioned that the record should show that Mr. Brown is not in compliance because he submitted his reports late, seconded by Mr. Wesemann. The motion carried, with Mr. Marsell abstaining. The Board asked to see Mr. Brown on November 16, 2011. **The Board noted that Mr. Brown is not in compliance because he submitted his reports late.**

#2. Lance Mackie, probation interview

Mr. Mackie met with the Board. Mr. Wesemann conducted the interview. The Board noted that his UA were negative. The Board noted that his supervisor is Ray Thom and his supervisor reports are positive. The Board encouraged Mr. Mackie to have his supervisor include more information in his supervisor reports. Mr. Mackie stated he continues to attend support groups and aftercare meetings. His family and friends are also a source of support. His criminal probation is for 3 years and he may be released in 6 months. The Board encouraged Mr. Mackie to continue in this positive direction. Mr. Wesemann motioned to have Mr. Mackie meet with the Board every other Board meeting as long as he stays in compliance with his stipulation and his report due January 10, 2012, seconded by Mr. Marsell. The motion carried unanimously. The Board asked to see Mr. Mackie on January 18, 2012 and to submit his supervisor reports by January 10, 2012. **Mr. Mackie is in compliance with his stipulation.**

#3. Andy Li, proposal to amend requirements to waive FE exam

Mr. Oborn reminded the Board that Mr. Li met with the Board in July; however, a vote could not be taken because there was no quorum. Mr. Li is asking the Board to waive the FE exam requirement in his case. Mr. Li is asking the Board to waive the FE exam requirements. The Board reviewed the examination requirement as established in Utah Admin. Code R156-22-30d:

*(1) Examination Requirements - Professional Engineer.
(a) In accordance with Subsection 58-22-302(1)(f), the*

examination requirements for licensure as a professional engineer are defined, clarified or established as the following:

(i) the NCEES FE examination with a passing score as established by the NCEES except that an applicant who has completed an undergraduate degree from an EAC/ABET accredited program and has completed a Ph.D. or doctorate in engineering from an institution that offers EAC/ABET undergraduate programs in the Ph.D. field of engineering is not required to pass the FE examination;

The Board noted that Mr. Li is foreign trained and does not have an undergraduate degree from an EAC/ABET accredited program. He meets the 2nd part, but not the 1st part of the requirement. Mr. Wesemann motioned to have Mr. Oborn draft a proposed rule change to allow for waiving of the FE exam in cases of when an applicant has a master's or doctorate degree from an program that has a EAC/ABET accredited bachelors degree program in the same discipline, seconded by Mr. Peterson. The motion carried unanimously.

DISCUSSION ITEMS:

1. Update regarding geologist use of GPS technologies for research purposes

Mr. Oborn shared with the Board that geologists can use GPS technologies as long as they reflect on the paperwork that this geological report is prepared by a geologist. The Board cautioned that proper training in the usage of GPS technology is imperative.

2. Continuing Education requirements

Mr. Oborn reminded the Board that at a previous meeting there was a discussion about the possibility of requiring that a certain amount of CE be required in "technical" subjects. Mr. Oborn shared some statistics he obtained from surrounding States regarding CE hours specific to health, safety and welfare. Mr. Oborn will gather additional information for the Board meeting November 16, 2011. The Board will review the NCEES model rule for details.

3. Report regarding NCEES Annual Meeting, August 24-27

Mr. Hill and Mr. Bennion reported on the NCEES Annual Meeting on August 24-27. NCEES is moving to a computer based testing for both the FE and FS exams by January 2014. There will be an additional fee increase to the exam.

Mr. Oborn reviewed the statistic reports from Investigations.

Mr. Oborn was approached by SEAU to see if DOPL would be able to respond to questions posed by SEAU members in their monthly newsletters. The Board noted that a lot of these questions are professional practice and are code issues. They are not addressed in statute and rule.

Mr. Oborn advised the Board that he has been contacted by individuals in California wanting Utah to accept the Western States SE exam that was administered between 1980 and 2003. These applicants feel this exam was a more difficult exam when compared to the NCEES SE Exam. Mr. Oborn stated that he requested that the California Board of Professional Engineers submit an explanation for why they believe the exam was more difficult than the NCEES SE exam. The Board will review the statement at the next meeting to determine if the rule should be changed to accept the Western States SE Exam as meeting the examination requirement .

Next Board Meeting:

November 16, 2011

2012 Board meetings have been tentatively scheduled:
January 18, March 21, May 16, July 18, September 19,
November 21

ADJOURNED:

The adjourned at:11:00 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.

November 16, 2011
Date Approved:

(ss) Norman Bennion
Chairperson, Utah Professional Engineers and
Professional Land Surveyors Board

November 16, 2011

(ss) Richard J. Oborn

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Professional Engineers and
Professional Land Surveyors Board Meeting
September 29, 2011

Date Approved:

Bureau Manager, Division of Occupational and
Professional Licensing