

**MINUTES**

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

**November 16, 2011**

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

**CONVENED: 9:02 A.M.**

**ADJOURNED: 11:35 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  
Thomas Colvin

**DOPL staff present:**

Susan Higgs, Compliance Specialist  
Wayne Jeppson, DOPL Investigator

**Guests:**

Todd Jacobsen

**TOPICS FOR DISCUSSION:**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

**MINUTES:**

The minutes dated September 29, 2011 were reviewed. Mr. Peterson motioned to accept the minutes, seconded by Mr. Marsell. The motion carried, with Mr. Colvin abstaining because he was not at the September 29, 2011 Board meeting.

Ms. Susan Higgs, Compliance Report

#1. R. Craig Brown is not in compliance with his stipulation. Mr. Brown has not submitted supervisor reports for October and November. He submitted his supervisor report stating he is self employed. Supervisor reports were received for June, July,

August and September.

**Discussion:**

The Board noted that this is the 2nd meeting with the Board that he has not been in compliance with his stipulation. The Board noted that Mr. Brown has not been in compliance with his stipulation 2 out of the 3 times he has met with the Board. Mr. Oborn reviewed the 3 options the Board could take with Mr. Brown's license. Mr. Richards motioned to have Ms. Higgs send Mr. Brown a letter to include that if he continues to be out of compliance with his stipulation, the Board will take further action, seconded by Mr. Peterson. Mr. Marsell abstained. The motion carried.

#2. Clayton McFall is in compliance with his stipulation. His probation officer will not write a report to the Board. Mr. McFall submitted an excellent employer evaluation.

**APPOINTMENT:**

#1. R. Craig Brown, probation interview

Mr. Brown did not keep his appointment with the Board due to an illness.

#2. Clayton McFall, probation interview

Mr. McFall met with the Board. Mr. Hill conducted the interview. Mr. McFall advised the Board that he has not been able to get his probation officer to contact DOPL. Mr. McFall stated things are going fine. He is attending therapy that is required by his criminal probation. He is in stage four of his therapy. The Board moved Mr. McFall's meetings to two times a year as long as he stays in compliance with his stipulation. The Board advised Mr. McFall his reports are due quarterly. His next reports are due January 1, 2012 and April 1, 2012. The Board asked to see Mr. McFall on May 16, 2012. **Mr. McFall is 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. Continuing Education requirements

Mr. Oborn shared with the Board other states'

requirements for “technical” CEUs for engineers. The Board reviewed the model NCEES rule. The Board agreed that CEs should be at least 1 hour in professional practice and ethics. The rest of the CE hours can be in all other areas. The Board noted that if the rule were changed to require “technical CEs, then they will need to define technical training. The Board noted that most law suits brought against professionals are not because of technical issues. The Board decided to discuss this further at the January 18, 2012 Board meeting.

3. Recognition of Western States SE exam as satisfying the exam requirement for applications for license by endorsement as a structural engineer

Mr. Oborn shared with the Board an issue regarding recognition of the Western States SE exam as satisfying the exam requirement for applications for license by endorsement. Mr. Oborn noted that licensed PE/PLS who have held licenses in other states and want to obtain a Utah license by endorsement (58-22-302(4)(d)(ii) and R156-22-302d(4)) but need to verify passing the NCEES SE exam, regardless of how long the applicant holds a current license in another state. Mr. Oborn stated that California provided a history of the Western States exam, including a summary of the difficulties of the exam and the pass/fail rate. The Board reviewed the rule. Mr. Hill motioned to recommend changing the rule to allow the 16 hour SE Western States Exam to satisfy the exam requirement, seconded by Mr. Wesemann. The motion carried unanimously. Mr. Oborn stated he will put together language for the Board to review and that there may be a rule hearing at the next board meeting.

4. Possibility of amendment to definition of “direct supervision” used in R156-22-102(2)

Mr. Todd Jacobsen met with the Board. Mr. Oborn advised the Board that the Division denied Mr. Jacobsen’s PE application. Mr. Oborn noted that one of Mr. Jacobsen’s supervisors requested that the Division clarify the definition of direct supervision. The Board reviewed Mr. Jacobsen’s application and applicable sections of the Utah law. Mr. Jacobsen had a supervisor who is licensed as a land surveyor. Mr. Jacobsen advised the Board that his supervisor feels that because he did not have the official title of supervisor, he did not provide direct supervision to Mr. Jacobsen and he will not verify Mr. Jacobsen’s

Awaiting Final Approval

work experience. Mr. Jacobsen stated that the land surveyor gave him assignments in certain areas of land surveying and he reviewed Mr. Jacobsen's work.

The Board suggested that Mr. Jacobsen obtain a letter from the land surveyor identifying the areas Mr. Jacobsen is required to have experience in and verify his competency in those areas only. If the land surveyor is willing to verify the hours, Mr. Jacobsen may reapply for a license.

Next Board Meeting:

January 18, 2012

**2012 Board meetings have been tentatively scheduled:**

January 18, March 21, May 16, July 18, September 19, November 21

**ADJOURNED:**

The adjourned at 11:35 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.*

\_\_\_\_\_  
Date Approved:

(ss) \_\_\_\_\_  
Chairperson, Utah Professional Engineers and  
Professional Land Surveyors Board

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Date Approved:

(ss) \_\_\_\_\_  
Bureau Manager, Division of Occupational and  
Professional Licensing

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