

**MINUTES**

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

**March 21, 2012**

**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:** 9:03 A.M.

**ADJOURNED:** 12:40 P.M.

**Bureau Manager  
Board Secretary**

Richard J. Oborn  
Lee Avery

**Board members present**

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

**DOPL staff present:**

Susan Higgs, Compliance Specialist

**Guests:**

Jay Sandberg  
Mary Woodhead, Attorney  
Brett Mickelson

**TOPICS FOR DISCUSSION:**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

**MINUTES:**

The minutes dated January 18, 2012 were reviewed. Mr. Hill motioned to accept the minutes, seconded by Mr. Marsell. The motion carried unanimously

Ms. Susan Higgs, compliance report

#1. R. Craig Brown is in compliance with his stipulation. He submitted his supervisor reports. His supervisor reviewed calculations and had some corrections.

#2. Lance Mackie is in compliance with his probation. Mr. Mackie submitted two positive reports. He submitted his support group attendance. He submitted completion for criminal probation. He keeps the compliance specialist advised when he leaves the state.

**Discussion:**

The Board decided to continue to meet with Mr. Mackie in six months as long as he continues to be in compliance with his stipulation.

Preliminary review of discussion items

Mr. Oborn reviewed the discussion items with the Board.

**APPOINTMENTS:**

#1. R. Craig Brown, probation interview

Mr. Brown failed to keep his appointment with the Board. **Mr. Brown is not in compliance with his stipulation.**

#2. Todd Jacobsen, applicant for land surveyor license

**Out of order on the agenda:**

Mr. Jacobsen met with the Board. The Board reviewed the additional information submitted by Mr. Jacobsen and his supervisor, Mr. Bundy, PLS. Mr. Jacobsen stated that he has completed two boundary surveys signed by Scott Woolsey, PLS and completed 400 hours with other companies. Mr. Jay Sandberg, PE, met with the Board in support of Mr. Jacobsen obtaining a professional land surveyor license (PLS) license. Mr. Sandberg stated that he reviewed the types of work completed by Mr. Jacobsen and feels Mr. Jacobsen has the required work experience to qualify for a PLS license. Mr. Sandberg noted that Mr. Jacobsen is extremely good with the technology needed to be efficient for his job. The Board expressed concern that the experience Mr. Jacobsen received is not in boundary surveying, noting that if he is licensed as a PLS, he can only practice within his experience and training. Mr. Marsell motioned to consider Mr. Sandberg as Mr. Jacobsen's supervisor, seconded by Mr. Peterson. The motion carried, with Mr. Hill opposing. Mr. Marsell motioned to accept the St. George work experience submitted by Mr. Jacobsen, seconded by Mr. Peterson. The motion carried, with Mr. Hill opposing. The Board recommended that the Division

issue a PLS license to Mr. Jacobsen.

#3. Dr. Peter Martin, review of PE license application

Dr. Martin and his attorney, Ms. Mary Woodhead appeared before the Board. Mr. Oborn advised the Board that Dr. Martin is requesting the FE exam be waived in his case. At this time, it is the Division's opinion that Dr. Martin's education does not qualify for a waiver of the FE examination under Utah Admin. Code R156-22-302d(1)(a)(i) because his Ph.D. is not from an EAC/ABET accredited program. Dr. Martin has a Ph.D; however, it is not from an accredited EAC/ABET program. It is from a program in a foreign country. Mr. Oborn noted that Dr. Martin meets the education requirement; however the current law requires that he pass the FE examination. The education requirement to waive the FE exam is more restrictive than the education requirement to obtain a license. The rule needs to be amended in order for NCEES to determine equivalency. Mr. Richards motioned to change the PE/PLS act/rule to waive the FE exam for applicants with Ph.D. level degrees that NCEES determines to be equivalent, seconded by Mr. Peterson. The motion carried unanimously.

Mr. Hill recommend that Mr. Oborn to consult with the Division Director to see if Dr. Martin's application could be approved, under the above recommendation. Mr. Richards seconded the recommendation. The motion carried.

#4. Chris Kobayashi, review of PE license application

Mr. Kobayashi met with the Board. The Board reviewed Mr. Kobayashi's application for a professional engineer license. Mr. Kobayashi stated he received his license in July/August 2011 in California and is currently working in Utah. Mr. Marsell motioned to close the meeting at 11:10 A.M. to discuss the character, professional competence, or professional competence, or physical or mental health of an individual, seconded by Mr. Colvin. The motion carried unanimously. The Board meeting opened at 11:25 A.M. Mr. Oborn provided a copy of the NCEES Rules of Professional Conduct to Mr. Koboyashi.

#5. Eric Anderson, USPE request for funds from the Education and Enforcement Fund

Mr. Anderson met with the Board. The Board reviewed the application for Funding from Education and Enforcement Fund. The request is for \$3,900. The training objective is to learn and apply advanced engineering principles to real world problems from experienced engineers. The day is divided into one hour training lectures with time for questions and discussion. The attendees will have the option to attend lectures that apply to them. Mr. Hill motioned to approve the request, seconded by Mr. Peterson. The motion carried unanimously.

#6. Lance Mackie, probation interview

**Out of order on the agenda:**

Mr. Mackie met with the Board. Mr. Mackie noted that there has not been any changes in is life. He continues attending support groups and submits attendance cards. His employment has not changed. The Board noted how well Mr. Mackie is doing and stated that he can meet with the Board in six months as long as he remains in compliance with his stipulation. The Board asked to see Mr. Mackie in January 2013. **Mr. Mackie is in compliance with his stipulation.**

**DISCUSSION ITEMS:**

1. Investigation report

Mr. Jeppson was unable to meet with the Board. Mr. Oborn reviewed the investigation report with the Board.

2. Disciplinary action taken against geologist for practicing outside of education and training

Mr. Oborn advised the Board that disciplinary action has been taken against Mr. William Lund, geologist. He engaged in unprofessional conduct in his practice as a professional geologist when in 2010 he used faulty data in preparing a subsidence report. He was given a public reprimand for the above conduct.

3. Consideration of rule amendments as established in Professional Engineer and Land Surveyor Licensing Act Rule (Utah Admin. Code R156-22)

- a.. Proposal to add provision to definition of unprofessional conduct - Dale Bennett, ACEC
- b. Proposal to amend seal requirements
- c. Proposal to amend structural engineer examination requirement to reflect NCEES Model Law criteria

a. Mr. Jim Schwing, President ACEC, Utah chapter submitted the following proposed language in addition to the engineering license rule changes already reviewed by the Board.

*R156-22-502. Unprofessional Conduct,  
(5)Failure to disclose to the employer and the client in writing prior to engaging in supplemental or outside engineering or land surveying services.*

The Board noted that some other state Boards have adopted a similar standard in their rule. The Board

chose to not adopt this standard at this time. The Board also reviewed language prepared by Mr. Oborn that amends the seal requirement. The Board decided to not adopt this language at this time. They would like to review and further and consider it again at a future meeting. The Board discussed the need to include the text of the actual NCEES Rules of Professional Conduct in R156-22-502 rather than just incorporating it by reference. Mr. Richards motioned to have the text in the NCEES Code of Ethics written in Section 506, seconded by Mr. Marsell. The motion carried unanimously.

#c. The Board reviewed the proposed amendment to the examination requirement for structural engineers. The proposed change reflects the NCEES Model Law criteria. Mr. Richards motioned to approve the changes, seconded by Mr. Colvin. The motion carried unanimously. Mr. Oborn stated he would try to set the date for the rule hearing on May 21, 2012, the date of the next Board meeting.

4. Consideration of any rule amendments possibly necessitated by legislation passed during 2012 general legislative session

Mr. Oborn noted that there was no legislation passed that would affect the PE/PLS statute or that required a rule change.

5. Review of amendments Board approved at previous meetings

This topic was discussed above.

6. Continued discussion regarding Board role in providing licensure information to students at Utah schools

Mr. Oborn stated that other licensing Boards have taken a role in providing licensure information to students at Utah schools. The Board suggested inviting representatives from the University's to the Board meetings. Mr. Oborn will contact program representatives from the various EAC/ABET accredited programs in Utah.

7. Upcoming NCEES meeting

Mr. Oborn advised the Board that 2 Board members have been approved to attend the NCEES Central/Western Zone Meeting in Jackson Hole, WY May 17-19, 2012. Mr. Hill will attend as the Utah delegate. NCEES will cover these costs. Mr. Peterson will also attend and the cost will be covered by the Education and Enforcement Fund.

8. Update regarding upcoming Board vacancies Mr. Oborn noted that Mr. Wesemann, Mr. Hill and Mr. Richards will be rotating off the Board June 30, 2012. They may to continue to serve on the Board for an additional 6 months after the end of their term or until a new appointment has been made.
9. Annual training regarding Open And Public Meetings Act Mr. Oborn provided the Board with training regarding the Open and Public Meetings Act.

**Not on the agenda:**

Mr. Oborn advised the Board that Mr. Paul Barr is requesting informal feedback on his PE application. The Board suggested that based on information in the application, it appeared that he did fulfill the experience requirement because all his experience was completed in the academic setting as a university instructor.

Next Board Meeting: May 16, 2012

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

**ADJOURNED:** The adjourned at 12:40 P.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.*

May 16, 2012  
Date Approved

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

April 13, 2012  
Date Approved

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