

MINUTES

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

May 16, 2012

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

9:00 – 9:15 Rule Hearing – PE/PLS Licensing Act Rule, R156-22

CONVENED: 9:10 A.M.

ADJOURNED: 12:30 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:

Ray Walker, Reg/Comp. Officer
Susan Higgs, Compliance Specialist

Guests:

Glen Longhurst, Integrated Engineering Program,
SUU
Michael Smith, ACEC, Utah Chapter
Jagath Kaluarachchi, College of Engineering, USU
Michael K. McCarter
L.D. Reaveley

TOPICS FOR DISCUSSION:

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes dated March 21, 2012 were reviewed. Mr. Hill motioned to accept the minutes with changes, seconded by Mr. Peterson. 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.

Discussion:

The Board expressed concerns regarding Mr. Brown not being in compliance with his stipulation due to his failure to attend his last appointment with the Board. His appointment with his physician does not appear to have been an emergency and he failed to notify the Board he was unable to keep his appointment. Mr. Brown's actions show that he is not taking his probation with the Board seriously. The Board discussed extending his probation, placing his license on suspension for 3 months or recommending other actions. Mr. Peterson motioned to audit his CEs, seconded by Mr. Richards. The motion carried unanimously. Mr. Colvin motioned to extend Mr. Brown's probation for one additional year, require completion of 3 contact hours of CE course's pre-approved by the Board that focus on practice as a structural engineer. The course is to be completed within one year of the date of amended Order. The motion was seconded by Mr. Richards. The motion carried unanimously.

#2. Clayton McFall is in compliance with his stipulation. He submitted his supervisor reports on time. The reports were positive. His probation officer states he is doing well. Mr. McFall last met with the Board in November 2011. The Board requested to see him every 6 months. His probation term ends July 2013.

Preliminary review of discussion items

Mr. Oborn reviewed the discussion items with the Board.

APPOINTMENTS:

#1. R. Craig Brown, probation interview

Mr. Brown met with the Board. Mr. Hill conducted the interview. Mr. Brown stated he wants to partner with someone and work on only engineer projects and let his partner handle the structural engineer projects. Mr. Brown stated he has not had a lot of

work during the last couple of months. He has worked on couple of projects with the city of Duchesne. The Board thanked Mr. Brown for his compliance; however, the Board noted its disappointment regarding his previous non-compliance. The Board reviewed his letter regarding his doctor's appointment. The Board noted that he still should have at least contacted the Board. This is not the first time he has not been in compliance with his Order. The Board advised Mr. Brown that it is recommending his probation be extended for one year, he complete a SE specific CE course pre-approved by the Board and for him to consult with his supervisor regarding what SE course he should take and to have this completed within one year. Mr. Brown stated he is having 25 percent of his structural projects reviewed. He still has projects that he started working on a year ago. He is waiting for the clients to authorize him to move forward with them. The Board advised Mr. Brown that further non-compliance with his stipulation will bring additional sanctions against his license which may include his license being suspended for a period of time. The Board advised Mr. Brown that since he is not comfortable with SE projects, he should refer these out until he finds a partner. The Board encouraged Mr. Brown to get started on finding CE courses for the Board to review at the July 18, 2012 meeting. The Board asked to see Mr. Brown July 18, 2012. **Mr. Brown is in compliance with his stipulation.**

#2. Clayton McFall, probation interview

Mr. McFall met with the Board. Mr. Hill conducted the interview. The Board noted that Mr. McFall has continuously been in compliance with his stipulation. Mr. McFall stated things are going well. He is still doing therapy and hopes to be able to have this completed soon. His probation is scheduled to end February 2013. Mr. McFall stated his family and friends have been very supportive during this time. The Board asked to see Mr. McFall on November 21, 2012. **Mr. McFall is in compliance with his Order.**

#3. Paul Burr, applicant for PE license

Mr. Burr met with the Board. Mr. Oborn advised the Board that initially Mr. Burr submitted experience as a professor at Utah State University. Because this

experience was only in the academic setting, the recommended that his application be denied. Since that time, Mr. Burr submitted additional experience outside the academic setting.

The Board reviewed the PE/PLS statute and rule and found that Mr. Burr fulfills the experience requirement. Mr. Hill motioned to grant Mr. Burr a PE license, seconded by Mr. Richards. The motion carried unanimously.

#4. Ramesh Goel, future applicant for PE license

Dr. Goel met with the Board. Mr. Oborn advised the Board that Dr. Goel has not applied for a PE license yet. He is meeting with the Board to review his education documentation. Dr. Goel received his bachelor's degree in India. NCEES is unable to evaluate his education because their policy requires that documentation be submitted to NCEES directly unless the state board approves. The school representatives in India are unable to submit transcripts directly to NCEES. Dr. Goel stated his education was evaluated by the South Carolina State Board when he completed his Ph.D at USC. The Board reviewed Dr. Goel's documentation and reviewed the education requirement in the Utah PE/PLS statutes and rule. Dr. Goel passed the FE exam in South Carolina. Mr. Hill motioned to accept the documentation that Dr. Goel submitted as sufficient and to allow him to proceed without further verification. The motion was seconded by Mr. Colvin. The motion carried unanimously. Mr. Oborn will contact NCEES regarding the Board's recommendation.

#5. Khalid Ibrahim, future applicant for PE license

Mr. Ibrahim met with the Board. Mr. Oborn advised the Board that Mr. Ibrahim is seeking license as a PE. All of his education was received from a school in Sudan. ECE evaluated his education and found that his degree is the U.S. equivalent of a BA degree in electrical engineering. Mr. Oborn stated the Board may recommend that NCEES review the transcripts submitted by Mr. Ibrahim. The Board noted that the evaluation was not specific to engineering and Mr. Ibrahim still needs to pass the FE and PE exams. Mr. Ibrahim advised the Board that the officials in Sudan will not submit transcripts to NCEES because he

sought asylum in the United States. The university is run by the government. Mr. Hill motioned to recommend that NCEES accept the documentation available due to the extenuating circumstances in Sudan, seconded by Mr. Peterson. The motion carried unanimously. Mr. Oborn will contact NCEES regarding the Board's recommendation.

DISCUSSION ITEMS:

1. Investigation report

Not on the agenda:

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

2. Communication of licensure information to engineering students at Utah schools

The Board discussed promoting licensure in the Utah schools with Mr. Longhurst, Integrated Engineering SUU, Mr. Smith, ACEC, Utah, Mr. Kaluarachchi, College of Engineering, USU, Mr. McCarter, and Mr. L.D. Reaveley. Many electrical engineer students graduate without knowing the benefits of obtaining a PE license. The Board noted that in the past DOPL and the Board has not taken advantage of the relationship in providing information to the students to help them make the decision regarding obtaining a Utah professional license. The Board noted that having faculty members licensed will help. Board members stated that they would be willing to donate their time in attending a class with a presentation regarding licensure. Mr. Oborn encouraged all Utah program representatives to contact him to help facilitate Board members making a presentation at the schools.

3. Continued discussion of Board's effort to adopt text of NCEES Rules of Conduct under definition of unprofessional conduct in R156-22-502

Mr. Oborn advised the Board that the Division wants to continue to refer to the document, not include the text regarding unprofessional conduct: R156-22-502. The Board discussed reasons for having the text spelled out in the Utah PE/PLS rule:

1. The rule already includes provisions under the definition of unprofessional conduct that are not found in the NCEES Model Rule;
2. Having them written into the rule facilitates future modifications, clarifications and additions;

3. Makes ethical behavior more at the forefront and visible. It is doubtful that many licensed engineers seek the NCEES model rule when it is incorporated by reference;
4. Utah is the only state that incorporates the model rules by reference. Other states have them written into their rules;
5. NCEES and the committees often compromise when writing their rules. Writing a Utah specific rule allows the Division and the Board to have more control of the language;
6. There is redundancy with some of the NCEES rules.

Mr. Richards motioned to recommend Mr. Oborn discuss with the Director the reasons why the Board wants to write their own rules of conduct, seconded by Mr. Wesemann. The motion carried unanimously.

4. Continued discussion regarding proposal to amend seal requirements in R156-22-601

Mr. Oborn noted that at last Board meeting the Board expressed concerns about the proposed seal requirement. Mr. Richards stated that he expressed the Board's concern with some architects. He recommended that this discussion be tabled to the July meeting as more time is needed.

5. Identification of Board members to attend NCEES Annual Meeting August 22-25, 2012

Mr. Oborn noted that the NCEES Annual meeting will be August 22-25 and will be in St. Louis. Mr. Oborn noted that the policy in the past has been that NCEES funds one member and the Director of DOPL has approved another Board member to attend. Mr. Oborn noted that DOPL has not paid for other travel expenses. Mr. Bennion and Mr. Colvin state they will attend and represent Utah at the August meeting.

#6. Report from Von Hill regarding meeting with land surveyor representative of Operating Engineers Local Union #3, AFL-CIO

Mr. Hill gave a report regarding a meeting with land surveyor representative of Operating Engineers Local Union #3.

#7. Question regarding requirement for length of retention of sealed documents

The Board reviewed a question regarding the requirement for length of retention of sealed documents. Under Utah law, documents are required to be kept nine years from completion of the project plus two years from the date of discovery.
For land surveyors, it is five years from the time of

filing the plat. The Board noted that this is a contractual and insurance issue and opted to not make any changes.

#8. Update regarding upcoming Board vacancies (land surveyor, electrical engineer, structural engineer)

Mr. Oborn advised the Board that the Division has submitted names to the Governor's office to fill the land surveyor, electrical engineer, and structural engineer positions on the Board that will be vacant when Mr. Hill, Mr. Richards and Mr. Wesemann leave the Board. Mr. Oborn stated he hopes the appointments will be made by the September 19 Board meeting.

Next Board Meeting:

July 18, 2012

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

ADJOURNED:

The adjourned at 12:30 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.

July 18, 2012
Date Approved

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

July 18, 2012
Date Approved

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