

MINUTES

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

September 19, 2012

**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: 11:44 A.M.

**Bureau Manager
Board Secretary**

Richard J. Oborn
Lee Avery

Board members present

Norman Bennion, Chairperson
Max Peterson
Thomas Colvin
Scott Marsell
Chris Barker

Board members excused

Jeff Richards
Scott Bishop

Swear in new Board member

Mr. Chris Barker was sworn in as a new Board member. Mr. Barker reviewed his background with the Board.

Guests

Jonathan Richards
Brad Mortensen, State Chair, UCLS
Dale Robinson, UCLS Leg. Committee

TOPICS FOR DISCUSSION:

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes dated July 18, 2012 were reviewed. Mr. Peterson motioned to accept the minutes with changes, seconded by Mr. Colvin. The motion carried unanimously

Mr. Oborn, compliance report

#1. R. Craig Brown is in compliance with his stipulation. He submitted 2 employer reports (self-employed). He submitted 2 CE certificates for an IBC Conference in August. He did not obtain pre-approval from the Board. He indicated he would be doing some CE at the U of U in October and will submit the paperwork for pre-approval. He did not submit a supervisor report. There has been no new work to be reviewed. He has not yet completed the corrections from a previous project.

APPOINTMENTS:

#1. R. Craig Brown, probation interview

Mr. Brown met with the Board. Mr. Bennion conducted the interview. Mr. Brown stated he continues working with the U of U on CE courses. He will submit the documentation to the Board once this has been solidified. The Board encouraged him to contact the representatives from the University and set an appointment with them to get this solidified. These courses are typically 5 to 6 weeks and his stipulation requires his CEs to be completed by July 2013. Mr. Brown stated there are 3 projects that came back and he turned them down. He has since found out he might have been able to accept these projects and asked for the Board input. The Board advised Mr. Brown to be extremely cautious in the types of projects he accepts because they can become very complex and may fall out of his scope of education and experience. The Board reviewed a letter submitted by Mr. Brown regarding the projects he has worked on, supervision, and his intention regarding his continuing education. The Board noted that this letter was very helpful. The Board advised Mr. Brown that he needs to complete the following for the next Board meeting:

1. Arrange course work with the U of U and submit information about it to Mr. Oborn.
2. Submit another letter updating the Board.

The Board asked to see Mr. Brown November 21, 2012. **Mr. Brown is in compliance with his stipulation.**

DISCUSSION ITEMS:

1. Investigation report

Mr. Jeppson reviewed the investigative statistics with the Board. The Board encouraged Mr. Jeppson to contact SEAU for input regarding investigations.

2. UCLS proposal to amend land surveyor experience requirement in R156-22-302c and education requirement in R156-22-302b

Mr. Oborn reviewed the UCLS proposal to amend the land surveyor experience requirement in R156-22-302c and education requirement in R156-22-302b. Under the UCLS proposal, there would be 4 tracks to licensure.

***Track 1:** Masters in Land Surveying or Geomatics; and 3 years of supervised experience or PhD degree in Land Surveying or Geomatics; and 2 years of supervised experience.*

***Track 2:** Bachelor's degree in Land Surveying or Geomatics and 4 years of supervised experience.*

***Track 3:** Bachelor's or Mater's degree in field related to Land Surveying or Geomatics including land surveying course work as currently outlined in rule and 4 years of supervised experience. 2 years of which must be after passing the FS exam.*

***Track 4:** Associates of Applied Science degree in Geomatics/ Land surveying and 4 years of supervised experience. 2 years of which must be after passing the FS exam.*

Mr. Oborn noted that the Division has received a directive from the Governor to decrease government requirements, not increase them. Because this rule change would equate to an increase in regulation, evidence demonstrating how more regulation in this case is justified is needed. The Board decided to table this discussion until the next Board meeting.

3. Consideration of UCLS request for reimbursement for expenses related UCLS Fall Forum

The Board reviewed the reimbursement request from UCLS for expenses related to the UCLS Fall Forum. The Board noted that the request seems reasonable; however, there were no invoices or receipts submitted. The Board requested copies of the receipts before the Board would make a final decision.

4. Further definition of continuing education requirement in R156-22-304

The Board tabled this discussion until the next Board meeting when all members of the Board are present.

5. Proposed amendments to definition of unprofessional conduct in R156-22-502

Mr. Oborn reviewed the definition of unprofessional conduct with the Board. Initially the Board approved a rule change to replace the rules of conduct to include a list of unprofessional conduct as written by NCEES. Mr. Oborn will contact professional associations to request input regarding this possible rule change.

6. Proposal to amend definition of incidental practice in R156-22-102 (6)

Taken out of order on the agenda:

Mr. Oborn reviewed a proposal regarding the definition of incidental practice with the Board. The proposal is to add an exemption clause from licensure as provided in Subsection 58-3a-304. Mr. Colvin moved to accept the changes as proposed, seconded by Mr. Peterson. The motion carried unanimously. Mr. Oborn noted that the Board will need to update the PE/PLS rule to reference the current professional code of ethics in the near future.

7. Consideration of how to address cases of applicant for professional engineer license without second person to verify supervised experience as required in R156-22-302b(1)(j)

The Board reviewed an inquiry requesting the Board's consideration of how to address cases of applicant for professional engineer license without second person to verify supervised experience as required in R156-22-302b(1)(j). The Board is willing to consider removing this requirement. The Board tabled this topic for the next Board meetings when all Board members are present.

8. Report from Board members who attended NCEES Annual Meeting in August

Mr. Colvin and Mr. Bennion reviewed topics covered at the NCEES Annual Meeting attended in August. The Board noted that NCEES covers one Board member to attend the NCEES Annual Meeting and they will cover all expenses. The Director of DOPL has approved funds from the education and enforcement fund to cover the registration fees for another Board member to attend if the Board member will cover other travel expenses.

Next Board Meeting:

November 21, 2012

2013 Board meetings have been tentatively scheduled:

January 16, March 20, May 15, July 17, September 18, November 20

ADJOURNED:

The adjourned at 11:44 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 21, 2012
Date Approved

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

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November 21, 2012
Date Approved

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