

MINUTES

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

March 20, 2013

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

CONVENED:9:02 A.M.

ADJOURNED: 12:50 P.M.

**Bureau Manager
Board Secretary**

Stephen Duncombe
Tracy Taylor

Board members present

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

Guests:

Brad Mortensen, UCLS
Ernest Rowley, UCLS
Eric Kankainen
Dave Bennett, ACEC Utah
Michael Smith, ACEC Utah
Eric Anderson, USPE

DOPL Staff Present:

Mark Steinagel, Division Director
Ray Walker, Regulation/Compliance Officer
Rich Oborn, Bureau Manager
Neena Bowen, Compliance Specialist
Wayne Jeppson, Investigator

TOPICS FOR DISCUSSION:

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Approval of minutes

The minutes dated January 16, 2013 were reviewed. Mr. Peterson motioned to accept the minutes with changes. Mr. Marsell seconded the motion. The motion passed unanimously.

Compliance report

Ms. Bowen reported that Clayton Elliott McFall is in compliance with his stipulation. Mr. McFall will be invited to meet with the Board next month to discuss early termination.

Mr. R. Craig Browne is non compliant with his stipulation. Mr. Browne has been non compliant 6 out of the last 12 meetings with the Board.

APPOINTMENTS:

R. Craig Brown, probation interview

Mr. Brown did not show for his appointment, Ms. Bowen will file a Notice of Agency Action.

DISCUSSION ITEMS:

Investigation report

Mr. Jeppson reviewed the investigative statistics with the Board.

Eric Anderson expressed frustration with the perception of a lack of enforcement, citing a particular case where information has not been available. Mr. Steinagel provided clarification as to what information is public and what is protected, identifying what may be perception versus reality.

Consideration of UCLS request for use of Education and Enforcement Fund to cover expenses related to February 28, 2013 event.

Mr. Brad Mortensen representing UCSL presented an application for reimbursement in the amount of \$29,444.10 for an event held on February 26-28, 2013. The Board will review this application and table any decision until the May 2013 meeting.

Mr. Marsell made a suggestion to adopt an application procedure similar to that of the UBCC Education Advisory Committee for future applications. Mr. Duncombe will prepare a draft for presentation at the next meeting.

USPE application for funding from Education and Enforcement Fund for March 18, 2013 event.

Eric Anderson representing USPE presented an application in the amount of \$4,250 for an event being held on May 18, 2013. Mr. Peterson made a motion to approve the application, seconded by Mr. Richards. The motion passed unanimously.

Proposed amendments to continuing education requirements in R156-22-502.

Mr. Duncombe reviewed the request to increase continuing education hours from 24 to 30 hours. Mr. Bishop reported that the associations representing the Land Surveyors support the change. Mr. Duncombe will email the associations for feedback and report the findings at the next meeting.

Proposed amendments to definition of unprofessional conduct in R156-22-304.

Mr. Michael Smith representing ACEC reviewed the documentation being presented. Discussion was held. Mr. Barker made a motion to recommend approval of the language presented relating to record drawings or "as build" with further clarification, seconded by Mr. Peterson. Motion passed unanimously.

Mr. Peterson made a motion to recommend approval of the language presented relating to "moonlighting", seconded by Mr. Bishop. Motion passed unanimously.

Mr. Marsell made a motion to recommend not including the language proposed by ACEC relating to contract negotiations and procurement, seconded by Mr. Barker. After further discussion, Mr. Marsell amended his motion to table this item until the May 2013 meeting pending further research, seconded by Mr. Peterson. Motion passes unanimously.

The Board reviewed and discussed the remaining language with minor changes reflected.

Proposed amendments to education requirements for foreign educated PE applicants in R156-22-302b(1)(c).

This item is tabled until the May 2013 meeting pending Mr. Duncombe researching other state's requirements.

Report regarding bills passed during 2013 Legislative Session.

Mr. Mark Steinagel gave a report on the final bills that passes during the Session. Mr. Scott Marsell gave an update in regards to bills affecting the code during the Legislative Session.

Report from Board President's Assembly, February 8-9, 2012.

Mr. Bennion gave a report on his attendance at the Board President's Assembly and will schedule a meeting with Mr. Duncombe for further discussion if necessary.

Upcoming NCEES Western Zone Meeting,

Mr. Colvin, Mr. Bishop and Mr. Bennion are

April 18-20

attending the meeting and will provide a report at the May 2013 meeting.

Testing Review for state specific PLS exam.

The Board requested to have a review done by PSI for the state specific PLS exam.

Follow up on the database to track education.

Mr. Duncombe reported progress towards the database to track education.

Follow up on the audit process and distribution of disciplinary summary.

Mr. Bishop revisited the request from the Board regarding an audit for individuals that have complaints filed. Mr. Jeppson will track those complaints and work with staff to add those to the audit.

Mr. Bishop made a request that Mr. Jeppson disseminate his investigations report to associations related to the professions. Mr. Barker stated he would email Mr. Jeppson and Mr. Duncombe a list of interested Associations.

Next Board Meeting:

May 15, 2013

2013 Board meetings have been tentatively scheduled:
July 17, September 18, November 20

ADJOURN:

Adjourned at 12:50 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.

Date Approved

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

Date Approved

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