

**MINUTES**

**UTAH PROFESSION ENGINEER AND  
PROFESSIONAL LAND SURVEYOR  
LICENSING BOARD  
MEETING**

**March 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:** 9:15 A.M.

**ADJOURNED:** 11:44 A.M.

**Bureau Manager  
Board Secretary**

Richard J. Oborn  
Lee Avery

**Board Members Present**

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

**DOPL staff present:**

Wayne Jeppson, DOPL Investigator

**TOPICS FOR DISCUSSION:**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

**MINUTES:**

The minutes dated January 19, 2011 were reviewed. Mr. Bennion motioned to accept the minutes with changes, seconded by Mr. Peterson. The motion carried unanimously.

Ms. Susan Higgs, Compliance Report

#1. Mr. Brown is in compliance with his stipulation. This is his first interview with the Board. Mr. Brown was licensed as a professional engineer on 1/19/1983. His professional engineer license was superseded by professional structural engineer license on 5/21/2008. On multiple occasions, between 2007 and 2010, he practiced beyond his scope of competence, abilities and education in designing structures, used outdated building codes and submitted incomplete final plans to building inspector.

#2. Lance Mackie is in compliance with his stipulation. In December 2009, Mr. Mackie was arrested for having drug paraphernalia, including bogs and smoking pipes, marijuana seeds and 255 grams of marijuana in his home. He worked as a professional engineer from home, where he grew marijuana hydroponically in the basement of his home office. In June 2010 he pled guilty to one count of knowingly producing, dispensing, manufacturing a controlled substance, 3<sup>rd</sup> degree felony and one count of falsely causing a report of emergency to fire, police or medical personnel.

**Discussion:**

The Board reviewed Mr. Mackie's stipulation. The Board noted that Mr. Mackie needs supervisor reports. He does not need employer reports. He needs to meet with the Board quarterly or as the Board directs. He needs to attend 2 step support groups and submit documentation. Mr. Colvin motioned to have Mr. Mackie's supervisor reports submitted monthly, seconded by Mr. Marsell. The motion carried unanimously.

**APPOINTMENT:**

R. Craig Brown, new probation interview

Mr. Brown met with the Board for his first probation interview. Mr. Brown advised the Board that he is familiar with his stipulation. Mr. Brown reviewed his practice plan with the Board. Mr. Brown advised the Board that he is currently working in a residential area. He also works with designers and deck models. The Board advised Mr. Brown that he needs to have any structural plans reviewed. Mr. Brown advised the Board that he would like to have David Jenkins as his supervisor. Mr. Richards motioned to approve Mr. Jenkins as his supervisor, seconded by Mr. Bennion. The motion carried unanimously. Mr. Brown was advised that his reports need to be submitted by April 1, 2011. The Board asked to see Mr. Brown on May 18, 2011. Mr. Brown is in compliance with his stipulation.

Lance Mackie, new probation interview

Mr. Mackie was ill and unable to keep his appointment with the Board.

Eric Anderson, proposal for USPE use of  
Education and Enforcement Funds

Mr. Anderson met with the Board regarding a proposal for USPE use of the Education and Enforcement Fund. Mr. Anderson stated the amount of the funds needed is \$3,900. Mr. Anderson acknowledged that this is more than previous requests. The cost includes a lunch for members. Non members will be charged \$10. The Board encouraged Mr. Anderson to add more technical information to the conference and to have all attendees sign a roll for each session attended. The Board encouraged Mr. Anderson to give individuals who attended a certificate of attendance and to include the number of hours. Mr. Bennion moved to approve Mr. Anderson's request for \$3,900, seconded by Mr. Colvin. The motion carried unanimously.

**DISCUSSION ITEMS:**

1. Investigation report, Wayne Jeppson

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

2. Possible modification of definition of  
"recognized jurisdiction" in R156-22-102(9)

The Board reviewed the definition of "recognized jurisdiction" in R156-22-102(9). Mr. Oborn noted that currently this is making it very difficult to obtain a Utah License by Endorsement. Some individuals are unable to obtain a Utah license regardless of how many years of work experience they have. Mr. Wesemann motioned to have Mr. Oborn draft language to clarify "recognized jurisdiction", seconded by Mr. Peterson. The motion carried unanimously.

3. Mr. Bradley Cole's proposal to change  
PE license by endorsement requirement

Discussed above.

4. CE requirement

The Board reviewed the CE requirement for renewing the Utah PE/PLS licenses. Mr. Oborn noted that this is the first time that PE/PLS licensees have received a CE audit. The Board discussed changing the rule to require of the 24 hours, 8 hours in technical and 3 hours in ethics. The Board opted to not make any changes at this time.

5. Seal requirements

Mr. Oborn noted that there has been questions regarding adding the discipline to the PE/PLS stamp.

Mr. Oborn stated that the statutes would need to be changed. The Board opted not to pursue this further at this time.

6. Possibility of disciplinary hearing on  
May 18, 2011

Mr. Oborn advised the Board that there may be a hearing on May 18, 2011. Mr. Oborn noted that this hearing could take all day.

**Not on the Agenda:**

The Board noted that NCEES Western Zone Meeting will be May 26-28, 2011.

The Board noted that NCEES proposed to change the exam rate and length. They expect the proposal to be approved at the August meeting. If approved the new rate for testing will be \$250. and will be changed from an 8 hour exam to a 6 hour exam.

The Board noted that www.RCEP.net is a clearing house for record keeping and of CE courses completed by engineers and land surveyors.

Next Board Meeting:

May 18, 2011

**2011 Board meetings have been tentatively scheduled:**

May 18, July 20, September 21, November 16

**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.*

May 31, 2011

**Date Approved:**

(ss) Von Hill

Chairperson, Utah Professional Engineers and  
Professional Land Surveyors Board

April 12, 2011

**Date Approved:**

(ss) Richard J. Oborn

Bureau Manager, Division of Occupational and  
Professional Licensing