

MINUTES

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

January 16, 2013

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

9:00 A.M – 9:15 A.M.: Rule hearing relating to proposed amendments to Professional Engineers and Professional Land Surveyors Licensing Act Rule (R156-22) and Architect Licensing Act Rule (R156-3a)

CONVENED:9:06 A.M.

ADJOURNED: 12:17 P.M.

Bureau Manager
Board Secretary

Richard J. Oborn
Lee Avery

Board members present

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

Guests:

Fred Cox
Eric Kankainen
Dave Bennett, ACEC Utah
Matt Hirst, ACEC Utah
Scott Argyle, ACEC Utah
Michael Smith, ACEC Utah

TOPICS FOR DISCUSSION:

DECISIONS AND RECOMMENDATIONS

ADMINSTRATIVE BUSINESS:

MINUTES:

The minutes dated November 21, 2012 were reviewed. Mr. Marsell motioned to accept the minutes with changes, seconded by Mr. Richards. The motion carried unanimously.

Ms. Susan Higgs, compliance report

#1. R. Craig Brown is in compliance with his stipulation. He submitted 2 employer reports (self employed), and a supervisor report. Mr. Brown is proposing a new supervisor and submitted the CV. Mr. Brown was sent a non-compliance letter after the last Board meeting. Mr. Brown was given a new stipulation that he signed.

Discussion:

The Board reviewed the proposed stipulation Mr. Brown needs to review and sign. His probation has been extended one year due to violating requirements listed in his previous stipulation order.

APPOINTMENTS:

#1. R. Craig Brown, probation interview

Mr. Brown met with the Board. Mr. Bennion conducted the interview. The Board expressed concern that Mr. Brown did not meet with the Board at the November 2012 Board meeting. The notice that he could not meet with the Board was not submitted in a timely manner and the Board considered him not in compliance. The Board advised Mr. Brown that it is the Boards role to make sure he is on track with his probation. In June 2012 another year had been added to his probation because of his non-compliance. The Board expects 100% compliance from now on. The Board noted that at previous Board meetings, Mr. Brown stated he was not going to work in structural projects, however, is now indicating that he is working on structural projects. The Board expressed concern regarding Mr. Brown's skills in this area and stated that he needs to have 100% of his SE projects reviewed. The Board noted that Mr. Condor stated that he redlined some projects for redo and the projects have not been corrected or changed. Mr. Brown stated that he is looking for a new supervisor and is proposing Mr. Robles. The Board noted that this would be his 3rd supervisor. Mr. Oborn stated he talked with Mr. Robles and reviewed the Boards concerns with him. Mr. Robles stated he understands Mr. Brown's stipulation and the Boards concerns and is willing to supervise Mr. Brown. Mr. Brown stated he is starting classes soon and will be attending a seminar regarding building buildings on an earthquake zone. The Board expressed concern that Mr. Brown does

not know what the ASCE 7 document is. The Board advised Mr. Brown that he needs to

1. Establish a solid agreement with Mr. Robles.
2. 100% of his SE work needs to be reviewed.
3. The Board wants to see a written agreement between Mr. Brown and Mr. Robles.
4. The Board wants to see that the corrections suggested by Mr. Condor, his previous supervisor are completed.
5. In his written agreement with Robles, he need to establish a timeframe when his things are turned around.
6. The written agreement needs to include expectations from both sides.

The Board wants to review this agreement before the Board approves Mr. Robles as Mr. Brown's new supervisor. Mr. Brown stated he will get something typed up by Friday, 1/25/13 and fax, email or hand deliver it to Ms. Higgs. Mr. Brown can update the Board at the next meeting with the Board on March 20, regarding the courses he is taking and internalize what he is learning. At the May 15 Board meeting he can review with the Board what he learned in the course. The Board expressed concern that the courses are not going to give him the experience needed for an SE. The Board considered an amendment to Mr. Browns licenses to prohibit him from providing SE services.

The Board met with Mr. Matt Robles via telephone:

Mr. Robles advised the Board he understands Mr. Brown's issues and feels he is able to adequately supervise him. Mr. Robles stated the he will review and correct Mr. Browns plans. Once he is happy with the changes, he will let Mr. Brown sign/seal the projects. Mr. Robles assured the Board that he would hold Mr. Brown to the same high standards as he holds himself too. The Board expressed concern that Mr. Brown does not have a good understanding of the codes and he does not have the codes in hand. The Board advised Mr. Robles that he will be treating Mr. Brown as if he were in an EIT and he needs to finish the projects that had been corrected by his previous supervisor and have these reviewed too. The Board advised Mr. Robles that he is the third

supervisor for Mr. Brown. He is helping Mr. Brown fulfill the conditions of his probation and he needs to be honest with the Board. And if Mr. Brown continues being incompetent in engineering, the Board would need to take additional action. The supervisor reports need to be submitted to DOPL bi monthly with the next report due by March 1, May 2, July 1, September 1, and November 1. The Board noted that Mr. Brown's new end of probation date is February 16, 2016. The Board asked to see Mr. Brown on March 20, 2013. **Mr. Brown is not in compliance with his stipulation.**

DISCUSSION ITEMS:

1. Investigation report

Mr. Jeppson reviewed the investigative statistics with the Board. Mr. Jeppson stated he turns to former Board members, ACEC and others for input when complaints are received. The SE Assoc. is available to help with input.

Not on the agenda:

- 1: The Board discussed the need to educate the public and the engineering profession what DOPL is doing.
- 2: Process of how an investigation is started. It is reactive. DOPLs support of education is done very well. The Education and Enforcement Fund is good too.
- 3: The land surveyors had Mr. Jeppson come to the convention and review the complaint process.

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

The Board reviewed the proposed amendments to the definition of unprofessional conduct in R156-22-502. At a previous meeting the Board established an interim committee to contact agencies regarding the change. The committee indicated the only input received was from Utah Engineers Council (UEC). Mr. Oborn reviewed the letter from Utah Engineers Council (UEC) regarding the proposed change. Mr. Richardson UEC Chair indicated that UEC does not have an official position regarding the change however, he is in support of it. The Board discussed the need for input from additional sources and requested the interim committee contact ACEC and SEAU and report at the next Board meeting.

3. Proposed amendments to continuing education requirement in R156-22-304

Mr. Bishop and Mr. Bennion reviewed what other State Boards have in their continuing education. Mr. Bennion stated that there are a few states that do not require CE hours, however most State Board requires CE hours, some specific in ethics. Mr. Barker motioned to increase the CE hour requirement to 30 hours every 2 years and that these hours must include technical, ethical and managerial. The motion was seconded by Mr. Peterson. Mr. Oborn will contact Mr. Bishop for the specific language and amend the rule. Mr. Oborn stated he anticipates the effective date to be 2015.

4. Proposed amendments to experience requirements and land surveyor education requirements outlined in R156-22-302c and R156-22-302b

The Board reviewed the proposed amendments to experience requirements and land surveyor education requirements outlined in R156-22-302c and R156-22-302b. Mr. Oborn noted that the education requirements coincide with what the land surveyors wanted. Mr. Colvin motioned to approve the language on the 1st page, #j, seconded by Mr. Marsell. The motion carried unanimously.

5. NCEES profile of Utah requirements and policies

The Board reviewed the NCEES profile of Utah requirements and policies. He will scan and email this to the Board.

6. Upcoming NCEES Board Presidents Assembly, February 8-9

Mr. Bennion will be attending the NCEES Board Presidents Assembly, February 8-9. He will discuss CE requirements with other Board members for input.

7. Changes to NCEES examination windows beginning January 2014

Mr. Oborn advised the Board that NCEES is changing the administration of their exams beginning January 2014. Exams will be offered Jan/Feb, no exam in March and offered again April/May. All exams will be moved to computer based testing.

Not on the agenda:

Mr. Oborn stated that NCEES sent information regarding the Western Zone Meeting, April 18-20 and the cut off date was January 14, 2013. Mr. Oborn will do more research. Mr. Scott Bishop, Mr. Norman Bennion and Mr. Scott Marsell are interested in attending.

The Board reviewed an email from Mustafa Kathawaia requesting the Boards reconsideration for license. Mr. Oborn noted that his education had deficiencies and he is asking the Board to change the education requirement. The Board would like to know what other States require. Mr. Oborn stated he will research this for Board discussion at the March 20, 2013 Board meeting.

Next Board Meeting:

March 20, 2013

2013 Board meetings have been tentatively scheduled:

May 15, July 17, September 18, November 20

ADJOURNED:

The adjourned at 12:17 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