

FULL BOARD MEETING AGENDA
of the
MONTANA BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS
301 S. Park Ave., Helena MT
February 4, 2016 – 8:30 a.m. — 4th Floor Large Conference Room

1. Call To Order - Establish Quorum - Introduction of Board & Staff Members Present (00:00:10)

Board Members Present:

Ms. Jane Eby
Mr. David Elias
Mr. Ronald Drake
Mr. Ruhul Amin
Mr. Hal Jacobson
Mr. Wallace “Wally” Gladstone
Mr. Casey Johnston

Staff Present:

Mr. Ian Marquand, Executive Officer
Ms. Graden Hahn, Board Counsel
Ms. Juanita Kazmierowski, Administrative Specialist

Public Present:

Brandon Schreiner, via phone
Donnie Duncan, via phone
Jane Reed, via phone
Antonio Conti
Forest Mercill
Ryan Ford
George Metzger
Rick Breckenridge
William Breckenridge
Jay Skoog
L’Joy Griebenow

2. Approval and Tentative Modification of Agenda Order (00:02:55)

a. February 4, 2016

MOTION (00:03:29) Mr. David Elias moved to adjust the order of the agenda and to settle the applicants present first, Mr. Ronald Drake seconded. The motion carried.

3. Approval of Minutes (00:05:47)

a. October 29, 2015

4. Public Opportunity to Comment (00:08:20)

(Presiding Officer Statement) “Under this item, the Board will offer an opportunity to members of the public in attendance to comment on any public matter under the jurisdiction of the Board that is not on the agenda of this meeting. While the Board cannot take action on any issues presented, the board will listen to comments and may ask staff to place the issue on a subsequent agenda. The presiding officer may limit the comment period in order to proceed with the board meeting.”

5. Division Administrator Report—Mr. Todd Younkin (00:09:00)

a. Changes to License Renewal Notifications

6. Board Action (00:16:17)

a. **Non-Routine Applications-Comity (01:23:04)**

- 1) Antonio Conti, Professional Engineer (01:23:17)
- 2) Antonio Conti, Professional Land Surveyor

MOTION (01:25:42) Mr. David Elias moved to approve both applications for Antonio Conti, Mr. Casey Johnston seconded. The motion carried.

3) Jeffrey Whitson, Professional Land Surveyor **(02:27:37)**

MOTION (02:28:31) Mr. David Elias moved to approve the application for Jeffrey Whitson, Mr. Ronald Drake seconded. The motion carried.

4) Benjamin Cottrell, Professional Engineer **(02:02:41)**

MOTION (02:22:14) Mr. Ronald Drake moved to approve the application for Benjamin Cottrell, Mr. Casey Johnston seconded. The motion carried.

5) Clayton Rosenlund, Professional Land Surveyor **(02:30:02)**

MOTION (02:31:20) Mr. Wallace Gladstone moved to approve the application for Clayton Rosenlund, Mr. David Elias seconded. The motion carried.

b. Non-Routine Applications-Exam

1) Ryan Ford, Professional Engineer **(01:39:10)**

MOTION (01:46:49) Mr. Ronald Drake moved to approve the application for Ryan Ford, Mr. Ruhul Amin seconded. The motion carried.

2) William Breckenridge, Professional Land Surveyor **(01:54:49)**

MOTION (01:56:04) Mr. Wallace Gladstone moved to approve the application for William Breckenridge, Mr. Ronald Drake seconded. The motion carried.

3) Donnie Duncan, Professional Land Surveyor **(02:24:49)**

MOTION (02:26:35) Mr. Wallace Gladstone moved to approve the application for Donnie Duncan, Mr. Hal Jacobson seconded. The motion carried.

4) Forest Mercill, Professional Land Surveyor **(01:37:15)**

MOTION (01:38:47) Mr. David Elias moved to approve the application for Forest Mercill, Mr. Wallace Gladstone seconded. The motion carried.

5) George Metzger, Professional Engineer **(01:47:10)**

MOTION (01:50:48) Mr. Wallace Gladstone moved to approve the application for George Metzger, Mr. Ronald Drake seconded. The motion carried.

6) Lee Richards, Professional Engineer **(02:32:45)**

MOTION (02:40:50) Mr. David Elias moved to invite this applicant appear before the Board, Mr. Ruhul seconded. The motion carried.

AMENDED MOTION (02:41:16) Mr. David Elias moved to include; to table the application for Lee Richards, Mr. Ruhul seconded. The motion carried.

7) Neil Thompson **(02:41:50)**

MOTION (02:48:14) Mr. David Elias moved to approve the application for Neil Thompson, Mr. Ruhul Amin seconded. The motion carried.

c. Non-Routine Applications-Other

1) Daniel Schandel, EI **(02:58:20)**

MOTION (03:02:00) Mr. Ronald Drake moved to approve the application for Daniel Schandel, Mr. Ruhul Amin seconded. The motion carried.

d. License Renewals & Audits (04:15:13)

1) Reporting of initial filing of civil litigation

2) Results from Audit of 2014 renewals **(04:51:08)**

3) Continuing Education Audit for 2016

MOTION (04:54:22) Mr. Ruhul Amin moved to continue to do the auditing 2016 renewal at 2% across the board, Mr. Wallace Gladstone seconded. The motion carried.

e. Rulemaking (05:00:07)

- 1) Approval of Rules Proposals for Notice in MAR 24-183-42
- 2) Small Business Impact Statements (SB 139 review) for MAR 24-183-42

MOTION (05:08:41) Renewal Dates and Requirements - Mr. David Elias moved that there will be no significant or direct impact on small business, Mr. Casey Johnston seconded. The motion carried.

MOTION (05:12:06) 24.183.404 Fee Schedule Mr. David Elias moved that there will be no significant or direct impact on small business, Mr. Ronald Drake seconded. The motion carried.

MOTION (05:12:55) 24.183.406 Branch Office - Mr. David Elias moved that there will be no significant or direct impact on small business, Mr. Casey Johnston seconded. The motion carried.

MOTION (05:13:46) 24.183.407 Teaching of Advanced Engineering Subjects- Mr. David Elisa moved that there will be no significant or direct impact on small business, Mr. Ronald Drake seconded. The motion carried.

MOTION (05:14:55) 24.183.408 Certificate of Authorization- Mr. Casey Johnston moved that there will be no significant or direct impact on small business, Mr. David Elias seconded. The motion carried.

MOTION (05:17:33) 24.183.502 Applications - Mr. Casey Johnston moved that there will be no significant or direct impact on small business, Mr. David Elias seconded. The motion carried.

MOTION (05:19:17) 24.183.502 Application References - Mr. Hal Jacobson moved that there will be no significant or direct impact on small business, Mr. Casey Johnston seconded.

AMENDED MOTION (05:19:45) 24.183.503 Application References - Mr. Hal Jacobson moved that there will be no significant or direct impact on small business, Mr. Casey Johnston seconded. The motion carried.

MOTION (05:23:34) 24.183.504 Expiration of Applications - Mr. David Elias moved to accept the language presented in the hand out, Mr. Ronald Drake seconded. The motion carried.

MOTION (05:23:59) 24.183.504 Expiration of Applications - Mr. Casey Johnston moved that there will be no significant or direct impact on small business, Mr. David Elias seconded. The motion carried.

MOTION (05:25:03) 24.183.505 Exhibits of land surveying Mr. David Elias moved that there will be no significant or direct impact on Montana small business, Ron seconded. The motion carried.

MOTION (05:28:15) 24.183.509 Examination Procedures - Mr. Ronald Drake moved that there will be no significant or direct impact on Montana small business, Mr. Hal Jacobson seconded. The motion carried.

MOTION (05:29:41) 24.183.510 Grant and Issue Licenses and Intern Certificates - Mr. Ronald Drake moved that there will be no significant or direct impact on Montana small business, Mr. Hal Jacobson seconded. The motion carried.

MOTION (05:31:38) 24.183.511 License Seal - Mr. Ronald Drake moved that there will be no significant or direct impact on Montana small business, Mr. Hal Jacobson seconded. The motion carried.

MOTION (05:38:35) 24.183.701 Comity for Professional Engineers - Mr. David Elias moved that there will be no significant or direct impact on Montana small business, Mr. Ronald Drake seconded. The motion carried.

MOTION (05:39:41) 24.183.702 Classification of Engineering Experience - Mr. Ronald Drake moved that there will be no significant or direct impact on Montana small business, Mr. David Elias seconded. The motion carried.

MOTION (05:41:08) 24.183.801 Comity Consideration for Professional Land Surveyors - Mr. Ruhul moved that there will be no significant or direct impact on Montana small business, Mr. Wallace seconded. The motion carried.

MOTION (05:42:20) 24.183.802 Classification of Land Surveying Experience - Mr. David Elias moved that there will be no significant or direct impact on Montana small business, Mr. Ronald Drake seconded. The motion carried.

MOTION (05:43:32) 24.183.1104 Uniform Standards for Certificates of Survey - Mr. David Elias moved that there will be no significant or direct impact on Montana small business, Mr. Ronald Drake seconded. The motion carried.

MOTION (05:44:12) 24.183.1107 Uniform Standards for Final Subdivision Plats - Mr. Wallace moved that there will be no significant or direct impact on Montana small business, Mr. David Elias seconded. The motion carried.

MOTION (05:45:46) 24.183.2102 Inactive Status and Reactivation - Mr. Casey Johnston moved that there will be no significant or direct impact on Montana small business, Mr. David Elias seconded. The motion carried.

MOTION (05:46:46) 24.183.2402 Complaint Process - Mr. Ronald Drake moved that there will be no significant or direct impact on Montana small business, Mr. Casey Johnston seconded. The motion carried.

MOTION (05:47:46) New Rule 1 Teaching of Land Surveying Projects - Mr. David Elias moved that there will be no significant or direct impact on Montana small business, Mr. Ronald Drake seconded. The motion carried.

MOTION (05:49:28) New Rule 2 Definitions - Mr. David Elias moved that there will be no significant or direct impact on Montana small business, Mr. Ronald Drake seconded. The motion carried.

MOTION (06:00:28) Mr. David Elias moved that the hard copy of the language as presented to the Board for the definitions of Surveying Techniques courses and the definition of Principals and Practices and Land Surveying courses be added to the definitions list in New Rule 2, Mr. Ronald Drake seconded. The motion carried.

MOTION (06:02:39) New Rule 3 Standards of Responsible Charge for Professional Engineers and Land Surveyors - Mr. David Elias moved that there will be no significant or direct impact on Montana small business, Mr. Ronald Drake seconded. The motion carried.

MOTION (06:04:38) Repeals Mr. David Elias moved that there will be no significant or direct impact on Montana small business Mr. Ronald Drake seconded. The motion carried.

MOTION (06:14:56) Mr. David Elias moved to modify **24.183.510 Grant and Issue Licenses and Intern Certificates** by renumbering; (4) becomes (2) and (2) and (3) slides down to (4). The motion failed.

AMENDED MOTION (06:18:50) Mr. Ronald Drake moved to amend proposed **Rule 24.183.510 Grant and Issue Licenses and Intern Certificates** and further to rearrange; the paragraphs regarding licenses at the beginning and that the two paragraphs regarding certificates are at the end, Mr. David Elias seconded. The motion carried.

MOTION (06:21:25) Mr. Casey Johnston moved to have the Rules Committee to review **Rule 24.183.510 Grant and Issue Licenses and Intern Certificates** to see if language could be inserted relative to the formal wall certificates or the option to get a formal wall certificate, Mr. Ronald Drake seconded. The motion carried.

MOTION (06:22:40) Mr. Casey Johnston moved to have the rules committee address the fees schedule for **Rule 24.183.510 Grant and Issue Licenses and Intern Certificates** to address the cost of formal wall certificates, Mr. Ronald Drake seconded. The motion carried.

MOTION (06:25:13) Mr. David Elias moved that since **Rule 24.183.510 Grant and Issue Licenses and Intern Certificates** has been altered that there will be no significant or direct impact on Montana small business, Mr. Ronald Drake seconded. The motion carried.

MOTION (06:25:29) Mr. David Elias moved to send the entire Rules package be placed into the Rule making process, Mr. Ronald Drake seconded. The motion carried.

f. Correspondence (03:37:04)

1) E-mail from Michael Cochran re: electronic wall certificates **(03:37:05)**

MOTION (03:49:35) Mr. Casey Johnston moved to resurrect the formal wall certificate and allow the licensee the opportunity to purchase at their own cost, Mr. Wallace Gladstone seconded.

AMENDED MOTION (03:51:14) Mr. Casey Johnston moved to include; tasking staff with determining the cost, Mr. Wallace Gladstone seconded. The motion carried.

MOTION (03:52:44) Mr. Casey Johnston moved to task staff with issuing correspondence to all licensees after January 1, 2014 thru present day, that the wall certificate will be available, Mr. Wallace Gladstone seconded.

AMENDED MOTION (03:54:46) Mr. Casey Johnston moved to include; contingent upon the implementation of prior motion, Mr. Wallace Gladstone seconded. The motion carried.

2) Request from Brandon Schreiner, EI for waiver of HB 63 requirements re: LSI/PLS **(03:02:28) (06:37:05)**

MOTION (03:16:55) Mr. David Elias moved to direct Board Counsel to draft correspondence per the previous protocol (HB63) and bring it back to the Board at the next meeting so they can offer a response to this inquiry, Mr. Ronald Drake seconded. The motion carried.

MOTION (06:37:50) Mr. David Elias moved that a letter of similar content be crafted in response to Mr. Schreiner and that Chief Legal Counsel sign it, the letter should contain sufficient detail to corral the process, Mr. Casey Johnston seconded. The motion carried.

3) NCEES Correspondence **(04:00:59)**

g. Approval of Travel (04:06:54)

1) NCEES Western Zone Meeting, May 19-21, Anchorage AK

MOTION (04:10:25) Mr. Ruhul Amin moved to approve travel for Mr. Wallace Gladstone and Mr. Byron Stahly to the NCEES Western Zone Meeting on May 19-21 in Anchorage AK, Mr. Casey Johnston seconded. The motion carried.

h. Other Board Action (04:10:55)

1) Attendance at MARLS Conference, February 2016

i. Reports from Board and National Committees (00:16:25)

1) Rules Committee—Ms. Jane Eby **(00:16:34)**

2) Land Surveyor Exam Committee—Ms. Jane Eby **(00:18:19)**

MOTION (00:19:36) Mr. David Elias moved to adopt the recommendation of the Exam Committee; to abolish the Standing Exam Committee and to not use the current exam, Mr. Ronald Drake seconded. Mr. Wallace Gladstone and Mr. Ruhul Amin opposed, Mr. Hal Jacobson abstained, Ms. Jane Eby votes yes approved. The motion passed.

MOTION (00:40:11) Mr. David Elias moved to adopt the recommendation from the Exam Committee to reinstate the old Exam from 2006, Mr. Ronald Drake seconded. The motion carried.

MOTION (01:18:28) Mr. David Elias moved to adopt the recommendation of the Exam Committee; to task Board Staff with pursuing RFP/RFQ for vendors to do a psychometric analysis and to do the analysis on the 2006 Exam including an outline to get the necessary amendments and to provide continued input to the Board and give the Board guidance on how to make improvements, modifications or amendments to the Exam, Mr. Ronald Drake seconded. The motion carried.

3) Curriculum Review Committee—Ms. Jane Eby **(01:20:25)**

4) NCEES Reports **(01:20:33)**

j. Executive Officer Report (06:26:00)

7. Adjourn (06:39:18)