

# BOARD NEWS

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of Registrations

April 2000

Volume XI

## All Board Rules Being Overhauled!

by Jill S. Tietjen, PE, Board Member

If you've ever tried to locate the Board's position on a particular subject in the Board's rules, you know that there hasn't been a lot of rhyme or reason to the order of the rules. The Board rules are enumerated in the order in which they were adopted over the years. That can make them a challenge to use.

While working on rules to clarify the statutory exemptions to the requirement for a license, the forms of organizations permitted to practice engineering and surveying, the practice of engineering, and the term "responsible charge," the Board felt that it was time to tackle the need to reorganize the rules for greater ease of use and reference.

For that reason, the Board has approved for

publication a complete revision of its Rules of Procedure and Rules of Professional Conduct. As published by the Secretary of State and available for review on our homepage at [www.dora.state.co.us/engineers\\_surveyors](http://www.dora.state.co.us/engineers_surveyors), these revisions are now subject to public comment during a Rule Making Hearing on June 9, 2000. The Rule Making Hearing will be held during the Board Meeting at 9:30 a.m. at 1560 Broadway, Denver, in the Suite 1300 conference room. Everyone is welcome to attend.

The following highlights the most significant changes in the proposed rules.

Rather than the current two sets of rules, Rules of Procedure and Rules of Professional Conduct,

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## Task Force Completes First Phase

Professionals/Public Officials Interaction Task Force Guidelines Adopted

by Dawn P. Bookhardt, Esq., Board Member

More than two years ago, a couple of complaints caught the attention of the Board for their similarity of circumstance and tone of frustration. The complainants, both licensees, wrote of the demands being made by local government officials to change their plans and plats, calling into question their engineering and surveying decisions, and the inability to get approvals for their project unless they towed what seemed to be an unreasonable line. The crux of the issue was that they felt that their professional judgment was being held hostage while they remained liable for the work. Sev-

eral board members could empathize having been in comparable circumstances. The Board believed that in some cases, the local jurisdiction exceeded its authority but felt that attempting to stop such coercion would not be received favorably and quite possibly could make matters worse.

The first step that the Board took was to call on the various professional associations to solicit interest in working toward a resolution together. Representatives of the American Consulting Engineers Council of Colorado (ACEC), Professional

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### Board Members

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Michael W. Drissel, PLS

Paul T. Gilbert, PE-PLS

R. Donald Johnson

Jill S. Tietjen, PE

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#### Exam Administrator

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#### Renewals Clerk

Ilene Mothershed

#### Applications Clerk

currently vacant

#### Monument Records Clerk

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#### Administrative Assistant

Tricia Belstra

#### Receptionist

Clif Myres

#### Student Intern

Sid Schlieren

### Board Counsel

#### Assistant Atty. General

Naomi A. Notman

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## Changes on the Board...Congratulations in Order!

Governor Bill Owens has re-appointed Wayne K. Clark, PLS, to the Board for a second four-year term and appointed two new Board members. Paul T. Gilbert, PE-PLS, from Colorado Springs and R. Donald Johnson, from Englewood were appointed to four-year terms.

Wayne Clark, a principal of W.K. Clark & Associates, LLC, chairs the Board's Survey Quorum and has been a devoted member of the Board.

Paul T. Gilbert is an Associate in the consulting firm of Rothberg, Tamburini & Winsor which is headquartered in Denver. He manages the operations of the Colorado Springs office. He has been licensed since 1973 and the present focus of his

work is utilities, highways, water treatment facilities and drainage.

R. Donald Johnson is a Denver native who, after graduating from the University of Colorado and the University of Denver Law School, joined the family moving business. Under his direction as Chief Executive Officer from 1960-1995, he expanded Johnson Moving & Storage from one location to thirteen and turned it into a major local employer. He is now retired and participates in numerous charitable and cultural activities.

We welcome our new and re-appointed Board members and appreciate their willingness to serve on the Board.

## Board Hosts Regional Meeting of NCEES

The Colorado Board plays an active role as a member of the National Council of Examiners for Engineering and Surveying (NCEES), participating in the development of the licensing examinations and promoting licensure on a national scale. Every year, there are national and regional meetings to discuss issues surrounding exams and licensing.

This year, the Board is hosting the NCEES Western Zone meeting in Grand Junction, Colorado on May 18-20, 2000. A lot of planning goes into such an endeavor to make sure that conferees have a productive meeting and enjoy the surrounding area. Several Board members and Board staff are working hard on the myriad of details to make sure that happens.

One aspect of such a successful meeting is raising funds to underwrite the costs that the registration fee revenue doesn't cover. Several organizations have stepped up to the task and the Board sincerely appreciates their support. A very big thank you goes to the following organizations that

have committed monetary or in-kind assistance...

- ◆ Forest City Stapleton, Inc.
- ◆ Parsons Engineering Science, Inc.
- ◆ Harza Engineering, Inc.
- ◆ Professional Land Surveyors of Colorado
- ◆ American Consulting Engineers of Colorado
- ◆ Professional Engineers of Colorado
- ◆ Adams Mark Grand Junction Hotel
- ◆ Agilent Technologies
- ◆ CH2M Hill
- ◆ Colorado Cellars Winery
- ◆ Colorado Ski Country USA
- ◆ Enstrom's Candies
- ◆ Denver Merchandise Mart
- ◆ Harris Group
- ◆ IBM
- ◆ Palisade Pride
- ◆ Religious Experience Hot Sauce
- ◆ Rock Slide Brewery
- ◆ Rocky Mountain Meadery
- ◆ Stanley Group
- ◆ Utility Engineering
- ◆ Women's Bean Project

## First Declaratory Order Issued by Board

by Naomi A. Notman, Assistant Attorney General

On June 9, 1999, a Declaratory Order was entered by the Colorado Board of Registration for Professional Engineers and Professional Land Surveyors regarding whether the measurement, calculation, and analysis of radio frequency energy is the practice of engineering. Federal regulatory standards limit human exposure to such energy.

The Board declared that while measurement alone of radio frequency does not constitute the

practice of engineering, the calculation and analysis of power density is included within the definition of the practice of engineering found in section 12-25-102 (10) of the Colorado Revised Statutes. Therefore, whenever calculations and analysis of radio frequency are applied to Colorado facilities, they must be performed by, or be under the responsible charge of, a Colorado registrant.



## Have You Moved Lately?

It's imperative that you notify the Board office of your new address when you move so that we can keep you informed.

Send us your new address in writing by mail, fax or email to

1560 Broadway,  
Suite 1370,  
Denver, Colorado  
80202  
FAX: 303/894-  
7790  
Email: engi-  
neers\_surveyors  
@dora.state.co.us

# Surveyors Must Control Their Monument Caps

by Wayne K. Clark, PLS, Board Member, Survey Quorum Chair

The Board has become aware of several instances wherein someone (an employee, another licensee, etc.) set monuments and affixed another licensed surveyor's cap to those monuments while not under the licensee's responsible charge.

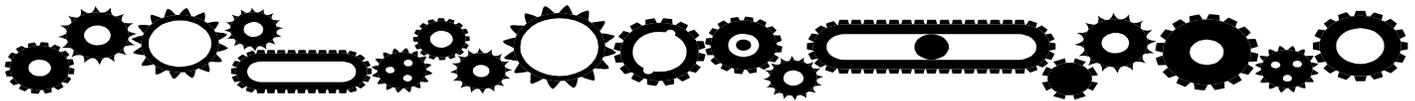
This action constitutes a violation of Section 38-51-104(b) of the Colorado Revised Statutes and when reported to or discovered by the Board will result in a disciplinary action against the errant individual.

It behooves surveyors to verify that he or she is in fact placing the correct cap on any monument set. The discovery of the placement of an incorrect cap will invite an inquiry by the Board whether or not the wrong cap was placed voluntarily or inadvertently.

It is the responsibility of all licensed land surveyors to maintain control of the inventory of any unused caps which bear the land sur-

veyor's license number. They are only to be placed on the monuments set in projects which the surveyor has exercised direct supervision or accomplished the work themselves. They are not to be made available to other persons or firms indiscriminately. Upon leaving a firm in which the land surveyor was an employee, partner, or an associate in some capacity, it is the licensed land surveyor's responsibility to account for any remaining caps bearing his or her license number to assure that they cannot be used unlawfully. Adherence to this practice will assure compliance with the statutes and negate inquiries or disciplinary actions by the Board.

It would be well to remember that using another's caps could very well result in legal action being brought by the land surveyor whose caps were used improperly.



## All Board Rules Being Overhauled continued...

(Continued from page 1)

the proposed rules will encompass both in one set to lessen confusion. The resulting rules have been completely reorganized and renumbered.

The sections in the proposed "Bylaws and Rules" are:

- 1.0 Preamble and Bylaws
- 2.0 Abbreviations and Definitions
- 3.0 Rules of Conduct
- 4.0 Rules of Administrative Procedure
- 5.0 Rules of Professional Engineering Practice
- 6.0 Rules of Land Surveying Practice
- 7.0 Rules of Board Procedure

The proposed numbering system is intended to allow for the addition of rules in the future. With titles on every rule, it is anticipated that you'll be able to find what you're looking for more easily.

Board Policies that reference the rules in many places will be revised with a parallel numbering system to be effective on the same date as the rule revisions.

In addition to the reorganization of the rules, several definitions are proposed to clarify areas in which the Board often sees confusion or misunderstanding on the part of the public and registrants. Those areas are the following.

a. Exemptions: language has been added to the definitions to clarify the phrase "for themselves" as opposed to the term "for others" both of which are found in the law and frame the discussion as to who must be licensed to practice engineering.

b. Forms of Organizations Permitted to Practice: this term in the law is interpreted by the Board through a proposed definition to elucidate under what conditions a company may offer engineering and/or surveying and who must be licensed

in Colorado.

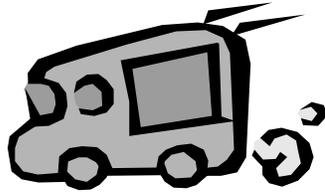
c. Practice of Engineering: this proposed definition expands on what constitutes the practice of engineering versus what is exempted. Current policies on inspections (#1) and the design of fire protection systems (#12) are also incorporated into this definition.

d. Responsible Charge: this term in the law is so brief as to be vague. The result has been difficulty in pursuing disciplinary action in those cases where it was apparent that the licensee was not properly supervising the work. Thus, definitions of the responsible charge of engineering and the responsible charge of land surveying are proposed that are quite detailed.

This rule making process will begin in June and it would not be surprising if it took a few months given the extent of the changes being suggested. To stay apprised of the developments, you may want to check our homepage link to "What's New?" this summer. The final version of the revised rules and policies will be published in the Board's Annual Report that will be sent out later in the year, as usual.

The Rules Review Committee – Jill Tietjen, PE, Chair, Dawn Bookhardt, Esq., and Wayne Clark, PLS – sincerely appreciate and thank representatives of the professional associations who participated in the Board's efforts to revise these rules including David Hughes, PE, Professional Engineers of Colorado, Bud Gaines, PE, and Steven Banks, PE, American Consulting Engineers of Colorado, Allan Heinle, PE, and Warren Ward, PLS, Professional Land Surveyors of Colorado. Their input was significant. We also thank Naomi Notman, Esq., from the Attorney General's office, and Angie Kinnaird, Program Administrator for the Board, for all of their hard work associated with these revisions.

## On the Road with the Board in Colorado Springs



The Board is holding its April 7th meeting outside of the Denver area as part of its outreach. The meeting will be held on the University of Colorado campus in Colorado Springs. The effort is an attempt to provide an opportunity to licensees to see what its proceedings are all about as well as to have their questions answered.

As part of this outreach, the Board is scheduled to be on the program for a joint meeting on the preceding evening with the local chapters of PEC, ASCE, PLSC, IEEE, and SWE at the Air Force Academy Officer's Club. This enables registrants a chance to find out who the Board members are, what issues they've been dealing with recently and to ask questions. Bernie Johnson, as well as others, has put in a great deal of effort to make this happen and the Board thanks him.

In addition, the Board is hosting UCCS engineering students with coffee and doughnuts on the morning of the board meeting to promote licensure and answer questions about professional engineering.

The Board hopes to continue this annual outreach in different parts of Colorado. If you would like information about this effort, please call Angie Kinnaird, Program Administrator, at 303/894-7784.

## Survey Monument Records Electronic Imaging Project

It is our expectation that by the time you read this that the land survey monument records will be available from a link on our Board Web site at [www.dora.state.co.us/engineers\\_surveyors](http://www.dora.state.co.us/engineers_surveyors). There have been lots of delays and bumps in the road to get to this point and there will be many more that you will likely experience as you try to access the records. The assistance of a number of land surveyors helping us to fine-tune the system will hopefully make your experience a bit more smooth.

The primary message that we want to convey right now is that we know that there will be problems and errors in the records. We will work through those over the next couple of years. That's right, *years*. So, our recommendation to you is that you continue to rely on the good old systems to which you're accustomed – the paper version of the records in our office and the copies at the courthouse – and use the new system as a supplement to your research, at least until we're at a point where we've worked out the problems.

## Task Force Guidelines Adopted continued...

*(Continued from page 1)*

Land Surveyors of Colorado (PLSC), Colorado Association of County Surveyors (CACS), and Professional Engineers of Colorado (PEC) responded positively and the Board called a meeting with those representatives and invited participation from the public sector including Colorado Counties Inc., Colorado Municipal League, American Public Works Association, American Planning Association, International Building Officials, and a number of municipal entities. Jill Tietjen, PE, Board member, facilitated a couple of lively discussions that demonstrated that we had hit upon a sore point for both sides of the issue. After review, it was clear to the Board that it should not drive a solution to the problem but provide the impetus. Thus a task force was formed in which participation by any and all of the aforementioned organizations, and any other interested parties, was welcomed.

The Board charged the task force with three objectives. The first was to develop a model policy to define appropriate interaction between professional engineers and/or professional land surveyors and municipal public officials. Second, document the policy in a format readily usable for public officials and professionals. And third, disseminate the policy to decision makers in all areas of the state in an educational format and through the organizations represented by task force members.

The document that came out of this process, which follows, called "Development and Building Review Process Guidelines," is a first step rather than an end to conflicts. It is a middle ground that both the professionals and the public officials could embrace as a fair and reasonable approach. Most are realistic that this will not solve the issue. It may not even solve the little problems. But if it assists municipalities and professionals in contemplating a productive approach to dealing with disagreements and seeking positive solutions, we will have succeeded.

The Board reviewed the Guidelines at its February meeting and gave its unanimous endorsement. The Board also recognized and thanked the Task Force for the evident hard work and thoughtful concepts exhibited in this document.

The next step is to disseminate these Guidelines and encourage awareness and adoption of the Guidelines' principles. The Board directed that the Guidelines be publicized in a number of ways including through this newsletter, on the Board's Web site, in the Board's Annual Report, in various industry associations' newsletters and through presentations at such organizations' meetings. The Task Force will be taking on this duty in the coming months and looks forward to receiving input and feedback on the Guidelines.

Special recognition is warranted for the following individuals for their dedicated involvement in the deliberations of the Task Force and their organizations' support. These are also

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## Task Force Guidelines Adopted continued...

(Continued from page 4)

individuals who may be able to answer questions you have about the Guidelines.

- Bill Wilson, PE-PLS, Matrix Engineers
- Warren Ward, PLS, Grand Co. Surveyor, PLSC
- Gary Steffens, PE, Grand County Engineer
- Jan Gerstenberger, Colo. Municipal League
- Duane Senn, PLS, City of Aurora
- Heather Seitz, El Paso CDOT
- Bob Bensching, PE, PEC
- Chip Taylor, Colorado Counties Inc
- Sam Light, Esq., Griffiths, Tanoue, & Light, PC
- Tom Cave, PLS, Accurate Consultants
- Dave Hughes, PE, PEC
- Pete Ziemke, Esq., Arapahoe County Attorney
- Pete Hutchison, PE, Accurate Consultants
- Ed Kocman, PE, City & County of Denver
- Jim Jones, PE, EMK Consultants
- Dan Russell, PLS, CACS
- Andre Brackin, PE, El Paso County DOT
- Arnold Cross, Jefferson County
- Steve Smithers, Colorado Municipal League
- Mark Eberly, PE, EMK Consultants
- Lurline Curran, Grand County
- Brien Gidlow, PE, ACEC Colorado
- Dick Carlson, El Paso County DOT
- Helen Gray, City of Dacono
- Paul Donley, El Paso County DOT
- Dawn Bookhardt, Esq., PE/PLS Board
- Angie Kinnaird, PE/PLS Board

## DEVELOPMENT AND BUILDING REVIEW PROCESS GUIDELINES

### A. Background

1. The State Board of Registration for Professional Engineers and Professional Land Surveyors created a task force in response to the friction created between licensed engineers and surveyors and government when governments question their professional judgment in the course of government exercising its responsibility to properly review their work to protect the health, safety, and welfare of the public.
2. Engineering and land surveying are both classified as professions and regulated by Colorado law under Sections 12-25-101 through 119 and 12-25-201 through 219, C.R.S. These statutes define the qualifications and procedures necessary to obtain the state issued license to practice these professions, define the services that may only be performed by these licensed professionals, and create a code of practice that governs the activities of these professionals in the performance of their duties.
3. The task force consists of both public and private sector representatives.

4. The task force discussed various issues and in response developed these guidelines to assist local government and private sector representatives in developing good management and better understanding of the development and building review processes in order to facilitate timely review procedures and to minimize and resolve differences between a reviewing entity and an applicant.
5. The task force views these guidelines as educational and advisory rather than mandatory in recognition of the prerogative and necessity for each local government to develop and manage procedures appropriate to that particular entity.
6. Task force members have committed to a process to educate public and private representatives about the value of having well-defined development and building review processes and the merits of the components of these guidelines.

### B. Development and Building Review Processes Generally

1. Governmental entities have not only the authority to review subdivision plats, surveys, and engineering plans as part of a development or building application process but may also have the responsibility to do so under applicable laws (applicable laws will vary among local governments).
2. The review process needs to consider the community as a whole and evaluate how an individual application meshes with that total vision.
3. Delays in a review process can create costs to the owner.
4. Timeliness of review and approvals is greatly enhanced by the quality and thoroughness of application materials submitted.
5. While the vested rights legislation provides expectations of expedited processes by virtue of reducing the element of changing requirements in a development application process, public entities will need to be even more vigilant about having complete applications before any formal review procedures are commenced and any approvals are given.
6. Payment for surveying, engineering, or other development or building application work is a private contractual matter and should not be used as leverage for demanding prompt review or partial approval of applications.
7. With the adoption of 1999 vested rights legislation it is important to address the issue of timely payment through contractual arrangements be-

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## Remember!

You are obligated by law to keep the Board informed of your current address. If you fail to notify us that you have changed your address, you won't receive your renewal notice. Then, if you fail to renew your license and you continue to practice, you will be in violation of the law!

Your license expires every two years. We send you a renewal notice approximately one month in advance of expiration. But, if you don't let us know when you change your address, you may not receive the renewal notice. Regardless, it's **YOUR** responsibility to make sure that you renew on time.

If your license lapses for more than two years, you must formally re-apply to the Board for reinstatement.

So remember, renew your license every two years and let the Board know of any address changes.

## Task Force Guidelines Adopted continued...

*(Continued from page 5)*

tween an applicant's representatives and an owner.

8. Applicants live with a design through the life of a project and any warranty periods, but the public sector, especially when it contracts for or accepts privately built infrastructure, lives with the project forever.

9. The task force believes it is good business practice and of benefit to both the applicant and the public entity to have clearly defined review processes and it is the intent of these guidelines to assist in the development of such processes.

### C. Review Framework

1. The general framework for review processes should be adopted in carefully thought out policies established in a public forum by the elected officials.

2. Criteria for the administration of the policies should be clearly established to assure consistency of requirements and their application, and to minimize interpretation by both the applicant and the reviewer.

3. Review comments should be consistent throughout resubmittals, to the extent possible.

4. A review checklist should be developed and be as detailed as possible to assist in complete data being submitted, to reduce personal interpretation by both the applicant and the reviewer of what data is required, and to minimize the need to request additional or expanded data.

5. Applicants should submit complete applications as a single package rather than in a piecemeal fashion, and should expressly identify at the outset which information is omitted and on what basis. The licensed professional should remind its clients that an incomplete submittal might delay the review process.

6. Requests for variances or modifications of standards should be identified by both parties as early in the application process as possible. Applicants need to realize that the authority to grant such requests typically does not rest with the review staff.

7. To the extent possible, verifiable, normally accepted standards of practice should be used for reviewing and checking technical data and the use of subjective standards or judgment avoided.

8. The applicant's representatives should familiarize themselves with local criteria, recognizing each entity's prerogative and need to adopt criteria suitable to its own situation.

9. Outside expertise may be helpful in the development of policies and administrative procedures depending on the expertise, availability, and time of in-house staff.

10. Modifications over time to the policies and administrative procedures of a reviewing agency are both realistic and appropriate.

### D. Qualifications of a reviewer

1. Reviews are often a combination of technical and administrative matters.

2. Having qualified reviewers is important. Qualified can mean trained in the technical fields, trained through experience, or a combination of both.

3. In some situations, supplementing in-house expertise with outside consultants may be helpful.

4. A public entity may want to have a policy that allows the public entity to hire a consultant early in the review process, at the applicant's expense, and that establishes a process for how and when this cost is paid.

5. The practice of engineering and land surveying requires a significant amount of training, experience and expertise. Therefore, it is recommended that a reviewer should exercise discretion in questioning professional judgment of licensed professionals.

6. The applicant's representatives should recognize that the reviewer might question a licensed profes-

sional's work, and that these inquiries are beneficial to the identification and resolution of issues satisfactory to the entity's public responsibilities.

7. Licensed professionals should acknowledge that even two licensed professionals may have different technical assessments, so there can be legitimate room for deviation from a licensed professional's original proposal.

### E. Entity request for modifications to, or additional data for, an application

1. It is beneficial to both the applicant and the reviewer to know as soon as possible after submittal whether an application is complete.

2. Additional or expanded data is often needed from an applicant when it is unclear how responsive to criteria certain elements of an application are.

3. Any authority for a reviewer to request additional or expanded data beyond the scope of the originally required data

" [This] is a middle ground that both the professionals and the public officials could embrace as a fair and reasonable approach...if it assists municipalities and professionals in contemplating a productive approach... we will have succeeded."

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## Task Force Guidelines Adopted continued...

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should be PRE-established as a matter of standard procedure.

4. A policy and procedure regarding how the deficient application will be handled is useful. Issues like the following should be clear:

- a. Does the reviewer have the option of using his or her best judgment in this matter?
- b. Does the reviewer review all of the submitted data completely and provide documentation as to what is unclear or incomplete and subsequently review only that additional information?
- c. Does the reviewer review until missing data is identified and then set aside the application until such time as the first-identified missing data is submitted and then continue processing that application?

### F. Inflexible vs. flexible requirements

1. Inflexible requirements make decision-making easier but don't offer the ability to use good professional judgment. Further, inflexible requirements often do not allow either party to address localized, on-site concerns.

2. The communication skills of a reviewer and an applicant are important, particularly in light of non-licensed reviewers commenting on the work product from a licensed profes-

sional and the resulting perception of a challenge to professional judgment. Professionalism in handling differences goes a long way to negotiating solutions and minimizing conflict.

3. Limiting flexibility in application requirements reduces the possibility of disputes, but also reduces the ability to use good judgment in accepting reasonable alternatives or minor variations of the application requirements.

4. Some flexibility from the strictest application of the requirements can benefit both the applicant and the local government. The parameters of the flexibility, what exceptions a reviewer can make, and what requested exceptions need to be handled as variances by the decision-making body, should be defined as clearly as possible.

5. To the extent some flexibility is allowed, the applicant should provide the rationale for an exception. The entity should document its decision and rationale for granting or denying all or part of the request. It should be recognized that exceptions or modifications may be, and variances are, prece-

dent setting and should, therefore, be considered carefully.

### G. Process for dispute resolution

1. With development and building review processes comes the reality that there will be differences of opinions as to how to administer policies or what is meant by a requirement, so there should be a dispute resolution process.

2. Having a defined dispute resolution process and process for appeal is good management because it assists both an applicant and an entity in knowing how differences are to be handled.

3. Reviewing agencies should be cognizant of the inherent conflicts of trying to affect a licensed professional's exercise of independent professional judgment and the legislative restrictions under which they are required to work. Similarly, the applicant should be respectful of the public entity's responsi-

bilities in review processes.

4. An applicant should be cognizant that a licensed professional's work doesn't automatically mean that his or her proposal is the only or best solution for a particular local circumstance.

5. An applicant should recognize that many disputes cannot be resolved prior to, or outside of, the public hearing process.

6. If application guidelines are clear and complete and the contested elements of an application are dis-

cussed in a respectful manner, disputes should be minimized.

7. There is no one perfect dispute resolution model and the process for resolution will vary among communities and be influenced by the degree of conflict.

8. There are a wide variety of dispute resolution processes and an entity's municipal attorney should always be consulted when developing one.

9. Options to consider include:

- a. Initial recourse is consultation between the applicant and the reviewers who took exception to the elements of the application
- b. Appeal to the manager of that reviewer or top management of the entity
- c. Appeal from management level to city council or board of trustees for policy issues
- d. Appeal to a third party professional
- e. Legal appeals



## Legal Actions

The following actions were taken by the Board from **October 1, 1998 through February 29, 2000**. Many thanks are in order for the professional assistance from Investigator Janet Audette with the Complaints and Investigations Unit, and Denise DeForest, Naomi Notman, Renny Fagan, and Dick Forman, attorneys from the Office of the Attorney General. As a result of their efforts, the Board is able to vigorously pursue enforcement of the engineering and surveying licensing laws and rules. Disciplinary files are of public record and if you need additional information regarding any of the actions listed below, please contact Angie Kinnaird, Program Administrator, at the Board office.

**Fred L. Adams, Unlicensed**, was issued an **Injunction** on April 14, 1999 to cease the practice of land surveying after he had surrendered his license on June 5, 1998. The injunction expressly forbids any representation that Mr. Adams is a land surveyor, that he is capable of performing land surveying without the supervision of a licensed land surveyor, or receiving direct payment for land surveying.

**Gary C. Amella, PLS #12697**, was issued a **Letter of Admonition** on November 13, 1998 for practicing land surveying with an expired license.

**Robert J. Anderson, PE #28923**, was issued a **Letter of Admonition** on June 11, 1999 for practicing engineering with an expired license.

**David E. Archer, PLS #6935**, entered into a **Stipulation** with the Board on March 12, 1999 for failure to deposit a land survey plat. Mr. Archer was ordered to deposit said plat by March 19, 1999 and was fined \$2,500.

**David E. Archer, PLS #6935**, was issued a **Letter of Admonition** on November 12, 1999 for repeated failure to file monument records.

**Max Archibeque, Unlicensed**, was issued a **Cease and Desist Order** on July 9, 1999 for unlawfully representing himself as a licensed engineer and was ordered to pay a fine of \$750 within 30 days.

**Joseph F. Asmus, PLS #27258**, entered into a **Stipulation** with the Board on July 9, 1999 for failure to meet the statutory requirements for the preparation of land survey plats, failure to file monument records, and failure to deposit plats. Mr. Asmus was put on probation for a minimum of two years and ordered to submit 10 plats for monitor panel review, correct and submit the plats at issue within 90 days, file the monument records within six months, and deposit the corrected plats.

**Bob D. Baker, PE-PLS #10755, voluntarily surrendered** his license to practice land surveying on June 11, 1999 for substandard surveying evidenced by numerous plats that failed to comply with statutes and generally accepted standards. Mr. Baker agreed that if he applies for renewal of his license, he must correct the plats at issue to the satisfaction of the Board prior to becoming licensed.

**Raymond W. Bayer, PLS #6973**, was issued a **Letter of Admonition** on November 12, 1999 for repeated failure to file monument records.

**Clyde J. Biewenga, PLS #23032**, had his license **suspended** on February 11, 2000 for 30 days after the Board reviewed the Initial Decision of the Administrative Law Judge. This case concerned the failure to file a monument record

and failure to cooperate with the Board. The suspension will continue until the record at issue is filed. Mr. Biewenga was also fined \$250.

**Richard B. Byrem, PLS #20124**, was issued a **Letter of Admonition** on June 13, 1999 on the basis of disciplinary action taken by the State of Idaho for failure to locate or relocate a corner and to monument an angle point.

**Daniel E. Campbell, PE #23706, voluntarily surrendered** his license to practice engineering on September 10, 1999 based on disciplinary action taken by the State of Nevada for gross negligence and incompetence in the practice of engineering.

**Ivan A. Cooper, PE #15944**, was issued a **Letter of Admonition** on November 12, 1999 on the basis of disciplinary action taken by the State of North Carolina for producing a substandard engineering report.

**Gary E. Copeland, PLS #18483**, entered into a **Stipulation** with the Board on December 10, 1999 for failure to comply with the terms of the August 3, 1993 Minute Order Setting Terms of Probation. The current Stipulation re-

quires that Mr. Copeland be on probation for a minimum of two years or until all conditions are met which include successful completion of the New Mexico State University Surveying Ethics course within six months and submission of three survey projects for monitor panel review. **Frederick Dotts, PE #30335**, was issued a **Letter of Admonition** on December 10, 1999 for practicing engineering with an expired license.

**Julie L. Emo, PE #27189**, was issued a **Letter of Admonition** on June 11, 1999 for practicing engineering with an expired license.

**Larry F. Fisher, PLS #22094**, entered into a **Stipulation** with the Board on February 12, 1999 for substandard surveying service, failure to deposit a survey, actions discrediting the profession, and failure to file a monument record. Mr. Fisher was ordered to, within 60 days,

file the monument record, modify his company letterhead to delete references to engineering services, and provide a report of actions to be taken to modify his business practices. **Larry F. Fisher, PLS #22094**, had his license to practice land surveying **suspended** for three years on August 23, 1999 for failure to comply with the terms of the February 12, 1999 Stipulation.

**Dale L. Forbes, PE #32379, voluntarily surrendered** his license to practice engineering on August 13, 1999 for failure to disclose at the time of his licensure application that there was pending disciplinary action being taken by the State of Nevada.

**P. Gayle Gilbert, PE # 30756**, was issued a **Letter of Admonition** on November 13, 1998 based on disciplinary action taken by the State of Nevada for practicing engineering with an expired license.

**Ricardo J. F. Goncalves, PE #14506**, was issued a **Letter of Admonition** on February 12, 1999 for practicing engineering with an expired license.

**Michael D. Gregory, PE #33024**, entered into a **Stipulation** with the Board on August 13, 1999 based on disciplinary action taken by the State of Wyoming for substandard structural engineering. Mr. Gregory was put on probation for a minimum of one year and until he has demonstrated compliance with the Wyoming Board's disciplinary requirements.

**Thomas E. Griepentrog, PE #14095**, was issued a **Letter of Admonition** on February 12, 1999 for practicing engineering with an expired license.

(Continued on page 9)



Legal Actions continued...

(Continued from page 8)

**Larry W. Hagan, PLS #16112**, entered into a **Stipulation** with the Board on March 12, 1999 for failure to timely deposit a land survey plat.

**Larry R. Hardy, PE #25817**, was issued a **Letter of Admonition** on June 11, 1999 for practicing engineering with an expired license.

**Philip M. Hart, PE #19346**, was issued a **Letter of Admonition** on November 13, 1998 for substandard civil engineering.

**James Hines, Unlicensed**, entered into a **Stipulated Cease and Desist Order** with the Board on October 6, 1999 for unlawfully offering to practice engineering without a license.

**Edward A. Hoyt, PE #18148**, was issued a **Letter of Admonition** on November 12, 1999 on the basis of disciplinary action taken by the State of Idaho for violation of the Idaho Rules of Professional Responsibility by revealing information obtained in a confidential capacity thereby creating a conflict of interest.

**Ralph C. Hombsch, PE #25990**, was issued a **Letter of Admonition** on November 13, 1998 for practicing engineering with an expired license.

**Larry G. Intermill, PLS #12374**, was issued a **Letter of Admonition** on January 8, 1999 for repeated failure to file monument records.

**Richard K. Johanson, PLS #23888**, was issued a **Letter of Admonition** on January 14, 2000 on the basis of disciplinary action taken by the State of Utah for using another surveyor's monument caps in the course of conducting a survey and subsequently lying about it.

**Scott E. Johnson, PE-PLS #14840**, was issued a **Letter of Admonition** on November 13, 1998 for failure to timely file monument records and deposit a land survey plat.

**Charles B. Jones, PLS #22098**, was issued a **Letter of Admonition** on November 13, 1998 for repeated failure to file monument records.

**Ib Falk Jorgensen, PE #1755**, was issued a **Letter of Admonition** on May 14, 1999 for violation of Board Rules of Professional Conduct III(1)(A), Rule IV(1)(A) and Rule IV(1)(B).

**Walter Lee Just, PLS #10382, voluntarily surrendered** his license to practice land surveying on March 12, 1999 as a result of aiding and abetting the unlawful practice of land surveying by an unlicensed individual while his own license was suspended.

**Robert H. Keim, PE #29958**, was issued a **Letter of Admonition** on January 8, 1999 based on disciplinary action taken by the State of Nevada for practicing engineering with an expired license.

**James D. Lemon, PE #19363**, was issued a **Letter of Admonition** on January 8, 1999 based on disciplinary action taken by the State of Nevada for practicing engineering with an expired license.

**Barry Levin, PE #29311**, was issued a **Letter of Admonition** on December 11, 1998 based on disciplinary action taken by the State of New Jersey for failure to properly supervise the conduct of an unlicensed employee.

**Gregory C. Lewicki, PE #20335**, was issued a **Letter of Admonition** on January 14, 2000 for practicing engineering with an expired license.

**William L. Martin, PLS #23508**, entered into a **Stipulation**

with the Board on May 14, 1999 for substandard surveying in the course of conducting several surveys. Pursuant to the Stipulation, his license is **suspended** until he has passed the Colorado State Specific Surveying exam, after which he will be placed on probation for a minimum of one year or until he submits five land survey projects for monitor panel review and completes 30 hours of continuing education in the area of legal principles of land surveying and surveying procedure.

**Timothy W. McLaughlin, PE #31884**, entered into a **Stipulation** with the Board on November 13, 1998 based on the disciplinary action taken by the State of California for substandard civil engineering. Pursuant to the Stipulation, his license to practice engineering is **suspended** until he provides evidence of successful completion of the intermediate ethics engineering course at Texas Tech University.

**Charles R. Melvin, PLS #22576**, entered into a **Stipulation** with the Board on August 13, 1999 for violation of a previous Stipulation executed in September 1993. The current Stipulation places Mr. Melvin on probation for a minimum of two years and until completion of the terms which include submission of six land surveying plats for monitor panel review and correction of a plat which failed to meet statutory requirements within 60 days.

**Jessie J. Messenger, PLS #14621**, entered into a **Stipulation** with the Board on December 6, 1999 for failure to file a monument record. Mr. Messenger was ordered to file the record and fined \$100.

**Ronald L. Mettler, PE #7937**, was issued a **Letter of Admonition** on June 11, 1999 for practicing engineering with an expired license.

**John C. G. Moore, PE #11323**, entered into a **Stipulation** with the Board on December 10, 1999 for failure to be in responsible charge of an engineering inspection performed on a foundation. Mr. Moore was placed on probation for a minimum period of one year and until he has completed the terms of the Stipulation which includes successful completion of an intermediate engineering ethics course within six months.

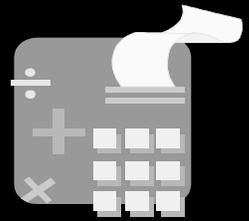
**Jack L. Odor, PE-PLS #13895**, entered into a **Stipulation** with the Board against his land surveying license on October 18, 1999 for substandard practice. The Board ordered that Mr. Odor revise and deposit the plat at issue and file the associated monument records. Mr. Odor agreed to a **practice restriction** on his license to practice land surveying effective December 15, 1999 such that he may only prepare and review Improvement Location Certificates and perform the remedial work required by the Order.

**Richard E. Owens, PLS #16417, voluntarily surrendered** his license to practice land surveying on December 16, 1999 for failure to complete the terms of the March 13, 1998 Stipulation and Final Agency Order to which he was subject.

**Cary R. Palmer, PE #12877**, was issued a **Letter of Admonition** on August 13, 1999 for offering to practicing engineering with an expired license.

**Anastasios Pappas, PE #18605**, entered into a **Stipulation** with the Board on November 4, 1999 on the basis of disciplinary action by the State of Nevada for substandard engineering. The agreement stipulates a stayed revocation of Mr. Pap-

(Continued on page 10)



**Board Statistics**  
Fiscal Year 1999

<b>Active Licensees</b>	17,339
<b>Retired Licensees</b>	1,448
<b>New PE Registrants</b>	815
<b>New PLS Registrants</b>	41
<b>New Engineer Interns</b>	1,035
<b>New Land Surveyor Interns</b>	59
<b>Number of Examinees</b>	2,131
<b>Pass Rates</b>	
PE Oct '98	45.99%
Apr '99	55.22%
PLS Oct '98	69.57%
Apr '99	68.18%
EI Oct '98	76.82%
Apr '99	74.96%
LSI Oct '98	63.27%
Apr '99	59.46%
CO 1.5 hour surv. exam	
Oct '98	60.00%
Apr '99	60.00%

**Disciplinary Actions**

<b>Complaints Filed</b>	107
<b>Dismissed</b>	76
<b>LOA</b>	29
<b>Cease &amp; Desist</b>	3
<b>Stipulation</b>	11
<b>Suspension</b>	2
<b>Surrender</b>	3
<b>Revocation</b>	2
<b>Fines Levied</b>	6

## Legal Actions continued...

(Continued from page 9)

pas' license, two years of probation, and the successful completion of the terms of the California Board's Order against his engineering license.

**Ken Parrent, Unlicensed**, entered into a **Stipulated Cease and Desist Order** with the Board on March 12, 1999 for unlawfully representing himself as a licensed engineer.

**Leslie Parrill, Unlicensed**, entered into a **Stipulated Cease and Desist Order** with the Board on March 26, 1999 for unlawfully representing himself as a licensed land surveyor and unlawfully practicing land surveying. Mr. Parrill was ordered to repay the complainant for services unlawfully performed.

**Thomas C. Posko, PE #24140**, was issued a **Letter of Admonition** on March 12, 1999 for practicing engineering with an expired license.

**Wayne H. Reid, PE #28467, voluntarily surrendered** his license to practice engineering on March 24, 1999 based on disciplinary action taken by the State of Nevada for substandard structural engineering.

**Charles M. Ritter, PE #18196**, was issued a **Letter of Admonition** on December 10, 1999 for practicing engineering with an expired license.

**Charles T. Rombaugh, PE #33466**, was issued a **Letter of Admonition** on February 12, 1999 for practicing engineering prior to acquiring a license.

**Merle W. Rust, PLS #6630**, entered into a **Stipulation** with the Board on February 28, 2000 for failure to deposit land survey plats and to meet statutory requirements for land survey plats. Mr. Rust is required to deposit said plats within 30 days of the Stipulation and to notify the Board if he intends to commence practicing land surveying 30 days prior to doing so.

**Robert F. Semmens, PE #16884**, was issued a **Letter of Admonition** on August 13, 1999 on the basis of disciplinary action taken by the State of Nevada for practicing engineering with an expired license.

**Prafulla C. Sorcar, PE #12233**, was issued a **Letter of Admonition** on February 12, 1999 for practicing engineering with an expired license.

**Erwin A. Spinner, Jr., PE #16663**, was issued a **Letter of Admonition** on November 12, 1999 on the basis of disciplinary action taken by the Commonwealth of Kentucky for being in responsible charge of a project and allowing other unlicensed individuals to sign and seal portions of it.

**Steven Spuler, Unlicensed**, entered into a **Stipulated Cease and Desist Order** with the Board on October 7, 1999 for unlawfully representing himself as a licensed engineer and unlawfully practicing engineering. Mr. Spuler was fined \$100.

**Thomas F. Stephenson, PLS #3553**, entered into a **Stipulation** with the Board on May 14, 1999 for failure to comply with the terms of the February 14, 1997 Stipulation to which he agreed. Mr. Stephenson's license to practice land surveying expired on May 31, 1997 and he agreed that he will not apply for renewal for at least two years. Mr. Stephenson agreed that if applies for renewal, he must meet the terms of the February 14, 1997 Stipulation to the Board's satisfaction prior to becoming licensed.

**Jere A. Strickland, PE #20462**, was issued a **Letter of Admonition** on January 14, 2000 for practicing engineering with an expired license.

**Geoffrey M. Taylor, PE #13021**, was issued a **Letter of Admonition** on March 12, 1999 for practicing engineering with an expired license.

**Fredric P. Thomas, PE-PLS #6728**, entered into a **Stipulation** with the Board on July 9, 1999 for substandard surveying. His license to practice surveying was put on probation for a minimum of two years. The Board also ordered Mr. Thomas to correct and deposit the plat at issue, file a monument record accordingly, submit three plats for monitor panel review, and complete 20 hours of continuing education in legal principles of land surveying and land surveying procedure.

**Rudolph J. Tipotsch, PLS #9187**, entered into a **Stipulation** with the Board on November 12, 1999 for substandard land surveying. The terms included a two-year probation, correction of the survey plat and filing of monument rec-

ords at issue, and submittal of five plats for monitor panel review.

**Salvatore A. Todaro, PE #16213**, was issued a **Letter of Admonition** on July 9, 1999 for practicing engineering with an expired license.

**Glen Tulk, Unlicensed**, entered into a **Stipulated Cease and Desist Order** with the Board on May 14, 1999 for unlawfully representing himself as a licensed engineer.

**Craig A. Vandell, PE #24806**, was issued a **Letter of Admonition** on February 12, 1999 for practicing engineering with an expired license.

**Peter Vesecky, PE #28244**, was issued a **Letter of Admonition** on November 12, 1999 for practicing engineering with an expired license.

**John E. Walker, PLS #6842**, entered into a **Stipulation** with the Board on March 17, 1999 for substandard surveying in the preparation of a plat. Mr. Walker was ordered to correct and deposit the plat at issue, accept a Letter of Admonition, and pay a fine of \$750.

**Ray D. Walker, PE #13932**, had his license to practice engineering **revoked** on May 14, 1999 after consideration of the Administrative Law Judge's Initial Decision. The matter concerned Mr. Walker's failure to disclose his conflicts of interest in his role as a water referee as it pertained to a water rights case.

**Jimmie D. Ward, PLS #11415**, entered into a **Stipulation** with the Board on January 8, 1999 for failure to timely file a monument record. Mr. Ward was ordered to pay a fine of \$250.

**Marcus Arthur Wiley, PE #14650**, was issued a **Letter of Admonition** on November 12, 1999 for practicing engineering with an expired license.

**John L. Wilson, PE #30079**, was issued a **Letter of Admonition** on November 12, 1999 on the basis of disciplinary action taken in the State of Texas for participating in the unlawful offering to perform and/or performance of engineering services.

## What is the "Annual Report?"

That thick book that you receive in the mail each year from us called the Annual Report is not just a list of names. It has useful information that you should know about.

Oh sure, we know that when you get it that you check to make sure your name is in there to confirm that you still have a license. And, that you check out your friends and colleagues to see if they're still "legit," too.

But, did you know that the Annual Report is our formal notification to you of the laws, rules and policies by which you must abide?

We encourage you to peruse this information every time you receive the Annual Report to familiarize yourself with any recent changes, especially this coming year with the complete revision of the rules. We will also include a newsletter in the Annual Report beginning this year.

Other helpful information published in the Annual Report includes the Board address, telephone and fax numbers, website address, names of the Board members & staff, and the chair's report outlining the Board's activities during the preceding year.

The Annual Report is prepared in the fall and mailed to you around the end of the year. We strongly urge you to take a good look!





## Witness Corners, Reference Corners and Accessories

by Pat Sullivan, PLS, Monument Records Clerk

At the June 1999 meeting, the Survey Quorum discussed situations where witness corners or reference monuments are also serving as accessories. The issue arose as a result of some monument records that I had reviewed. The Quorum came to the following opinion.

Witness corners and reference monuments (set in lieu of true corners) are classified as monuments and, as a consequence, come under the requirements of Section 38-53-104 (1)(c) of the Colorado Revised Statutes, which requires that each monument must have two accessories. This means that a minimum of three identifiable objects are required on each monument record, e.g. the monument and two accessories. There must be a minimum of two tie distances from different accessories to each monument, whether it is a true corner, a witness corner, or a reference monument. In the case of reference monuments, the same accessories can be used for

both reference monuments, if desired. For all situations, the accessories must be specifically identified unique objects, such that the descriptions "fence post", "centerline", or "fence line" are not acceptable.

The Survey Quorum further discussed accessories at the same meeting and the case of those shown on monument records without specific identification. It is my contention that such accessories are virtually worthless. For example, calling out a six-inch juniper as an accessory is not very helpful in some parts of the country where junipers abound. Therefore, the filing instructions for monument records was revised to state in #4 that, "...Accessories must be specifically identifiable and not generic, i.e. "Fence post with nail and tag #6690" versus "Fence post." Please make adjustments to your field procedures to implement this clarification on accessories.

## Board Website Update

### Redesigned Home Page

We continue to add information to the Board's Web page that we think will be helpful to you. Of course, we welcome your feedback in that regard. However, it seems that the amount of information from which to choose on the homepage is getting a bit lengthy to remain in a list format. So, we're in the process of redesigning it so that you can find what you're looking for more quickly.

### Resources

Don't forget that our Website is a good resource for the Engineering and Land Surveying laws, Board Rules, and Policies. There is also information on the licensing exams, including a link that has information on the exam formats, specifications, and preparation material.

### New Features

Some of the recent additions to the web page are a change of address form that can be submitted electronically, on-line applications for licensure, and the ability to search for information on licensees. The on-line applications are provided in two formats, one of which can be downloaded and filled out on computer and the other that can be printed out and filled in with a typewriter.

The licensee database which may be accessed from the bottom of the homepage provides individuals' names, license number, date of license issuance, expiration, last renewal date, geographic location, and whether the Board has ever taken disciplinary action against the licensee. This information is also available on all those who are licensed by the Division of Registrations, such as doctors, veterinarians, accountants, mental health providers, etc.

### Future Changes

In the near future, we will add a section on current Board rule making activity and access to the Land Surveyor Monument Records. We will also post this newsletter and perhaps past newsletters (if we can get to that little project!), Board meeting agendas and approved minutes.

Discussions are underway to publish the Stipulations and Final Agency Orders in disciplinary cases on our Web page too. That will likely happen by mid-year.

### How to Find Us

The bottomline is to check out our Web page on a regular basis as a way to stay informed on Board activities. The address is [www.dora.state.co.us/engineers\\_surveyors](http://www.dora.state.co.us/engineers_surveyors).



**Colorado State Board of Registration for  
Professional Engineers and Professional  
Land Surveyors**  
1560 Broadway, Suite 1370  
Denver, Colorado 80202

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## ADDRESS CHANGE? Let Us Know!

Licensee name \_\_\_\_\_  
Last Name Jr./III First Middle

License number \_\_\_\_\_

Current home address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Current business address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Employer \_\_\_\_\_

Preferred mailing address: \_\_\_\_\_ Home \_\_\_\_\_ Business \_\_\_\_\_

Current daytime telephone ( ) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

MAIL TO: Board of Registration for Professional Engineers and Professional Land Surveyors  
1560 BROADWAY, SUITE 1370  
DENVER, CO 80202

or FAX TO: 303/894-7790

or Email TO: [engineers\\_surveyors@dora.state.co.us](mailto:engineers_surveyors@dora.state.co.us)

Registrants who do not notify the Board in writing within 30 days of a change of address may be subject to disciplinary action.