

**IDAPA 10 - BOARD OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS**

10.01.02 - RULES OF PROFESSIONAL RESPONSIBILITY

DOCKET NO. 10-0102-1301

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-1202, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows:

Monday -- May 20, 2013 -- 9:00 A.M.

**1510 E. Watertower Street
Meridian, Idaho 83642**

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following: attend the meeting and present your views and thoughts on the draft amendments or submit your views and thoughts in writing not later than May 24, 2013.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

The current Rules of Professional Responsibility prohibit a licensee from soliciting or accepting a contract from a government authority on which an existing "principal or officer" of his organization serves as a member of the elected policy and governing body. In the course of investigating a recent complaint, the undefined term "principal" became an issue which caused the rule to be scrutinized. Rather than define "principal," the Board is proposing that additional terms be used to more specifically name positions within a business entity about which this rule is intended. In addition, current rules prohibit a licensee from participating in decisions with respect to professional services by their firm. Rather than try to identify all such possible occurrences, the Board is proposing a rule which states that those persons are subject to the statutory provisions concerning ethics in government, and stating that a violation of those statutes is a violation of the Rules of Professional Responsibility.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact David L. Curtis, P.E., (208) 373-7210. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Board of Professional Engineers and Professional Land Surveyors web site at the following web address: <http://www.ipels.idaho.gov>.

All written comments must be directed to the undersigned and must be delivered on or before May 24, 2013.

DATED: March 20, 2013.

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