



**BRAD LITTLE**  
Governor  
**RUSSELL BARRON**  
Administrator

# State of Idaho

## Division of Occupational and Professional Licenses

### Board of Drinking Water and Wastewater Professionals

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#### Minutes of 02/19/2025

**Board Members** Bryson Ellsworth, Vice-Chair  
**Present:** Laurelei McVey  
Jerri Henry  
Kyle Marine  
Niki Summers

**Division** Jessica Spoja, Executive Officer  
**Staff:** Gus Tate, Legal Counsel  
Ryan Allstott Licensing Sup.  
Erin Einarsson, Board Support Spc.

The meeting was called to order at 9:00 AM MT by Vice-Chair Bryson Ellsworth.

#### APPROVAL OF 11/20/2024 MINUTES

A motion was made and seconded to approve the November 20, 2024 meeting minutes. The motion carried unanimously.

#### AMENDED AGENDA

Due to an administrative oversight, the topics of “Legislative Update” and “Rulemaking” were inadvertently overlooked when creating the agenda. Therefore, acting in good faith, the agenda was revised to include the “Legislative Update” and “Rulemaking” sections. Pursuant to Idaho Code § 74-204(4)(b), a motion was made and seconded to amend the agenda, adding the topic “Legislative Update” and “Rulemaking”. The motion carried unanimously.

#### DIVISION BUSINESS

**Introduction:** Executive Officer (EO) Jessica Spoja introduced DOPL Legal Counsel (LC) Gus Tate.

**Financial Report:** The Fiscal Year (FY) 2025, Quarter 2 Financial Report was presented to the Board. EO Spoja noted that she just received the report and has not yet had a meeting with the Finance Manager to review the details. EO Spoja requested that if the Board has any questions, to please email them to her directly.

With regards to the Time/Effort Analysis the Board requested, EO Spoja shared that due to staffing changes, the analysis was temporarily put on hold. EO Spoja introduced the new Licensing Supervisor (LS) for Drinking Water and Wastewater Professionals (WWP), Ryan Allstott. EO Spoja added that DOPL is currently training a technical records specialist for WWP and that the Time/Effort Analysis will resume once the training has been completed. EO Spoja will present the analysis at the next Board meeting and suggested continuing the analysis for an entire fiscal year. Board Member Laurelei McVey stressed that the Board will need to review the analysis prior to entering into negotiated rulemaking. Board Member McVey added that she hopes to see a reduction in time now that staff no longer reviews continuing education credits and looks forward to seeing where staff time is spent.

**Legislative Update:** EO Spoja presented the 2025 Division Agency Legislation to the Board, which includes an amendment to [Idaho Code §67-2604](#). This amendment will require DOPL to provide quarterly and year end reports on revenues, expenditures and cash balances to the Legislative Services Office and will require boards with large cash balances (over 150% of operating expenses during a 5-year rolling average) to present a plan to reduce that balance. It also authorizes the division administrator to implement fee holidays and updates numerous sections of Idaho Code to be consistent with the 2024 HB505 biannual renewal cycle for all boards and commissions.

DOPL is tracking approximately 84 bills, with 2 bills that may affect WWP. [House Bill 107](#), prohibits the creation of a new license by rule or policy unless authorized by statute and requires that all licensing fees be established through rule. It also allows for universal licensing practice for licensed professionals to perform acts consistent with their education, training and experience. The legal team is currently reviewing this bill for its potential impact on DOPL boards and commissions. [House Bill 152](#) requires any boards or commissions that have excessive cash (over 150% of 5 year rolling average of expenditures) to present a plan to reduce that balance and allows the director of boards or commissions to authorize a fee holiday. For boards or commissions with low or negative cash, it requires them to present a plan for rectifying the balance. The bill also cleans up some sections of code from HB505 from the 2024 legislative session relating to a biennial renewal cycle of licenses. However, EO Spoja noted that it includes the option of an annual renewal cycle under Idaho Code § 54-416 for the State Athletic Commission.

Board Member Jerri Henry asked what the impact of [House Bill 14](#), the code clean-up bill, will have on the Board. EO Spoja responded that, similar to the zero-based regulation process, LC Tate and the DOPL legal team will be reviewing the statutes for conflicting or outdated language. DOPL has not determined at this time how the boards will be involved in the process, but EO Spoja will provide more information at the next meeting.

**Rulemaking:** Board Member McVey asked that “Rulemaking” be a standing agenda item for the next several months so that the Board can continue to prepare for the negotiated rulemaking process this year. Topics that Board Member McVey suggested included responsible charge, system classifications, skipping licenses, fees and fixing items that were unintentionally passed during the previous rulemaking session. Vice-Chair Ellsworth suggested that a special meeting should be scheduled to address rulemaking. EO Spoja agreed and added that she would like to ensure that the public, licensees and stakeholders are notified as well so that they can participate in the process. Board Member McVey asked for those meetings to be scheduled. EO Spoja responded that the negotiated rulemaking meetings can be scheduled after the 2025 legislative session ends and shared the Division of Financial Management (DFM) [2025 Bulletin Publication Schedule](#). EO Spoja added that DOPL is responsible for completing the first step of the process which is submitting the Administrative Rules Request Form to DFM. Board Member Henry asked for clarification on the appeals process. EO Spoja explained that when an application is denied, a letter is sent to the applicant that includes information on their rights and the appeal process.

**OASIS Update:** Board Member McVey shared that she is continuing to receive complaints from license holders about the lack of a response or an unclear response from DOPL staff. Board Member McVey shared that she personally experienced the same issue when searching for information on an employee’s license where questions she emailed went unanswered. Board Member McVey requested that DOPL licensing staff work on improving their response time and ensuring that all questions have been addressed. EO Spoja appreciated the feedback and requested that anytime a Board Member encounters an issue or

receives comments from a licensee or association, to please forward those to LS Allstott. They can then be reviewed and directly addressed with the DOPL staff member. Board Member Niki Summers shared that the transition to the online licensing system was challenging for many operators. The administrative staff that she works with have been supporting the operators in this process, but Board Member Summers shared that the system has been difficult to use at times. When submitting questions, Board Member Summers shared that the responses from DOPL staff have been perceived as sharp and short-tempered and they have found many of their questions go unanswered. Board Member Summers appreciated receiving LS Allstott's contact information and requested that DOPL staff adopt a more supportive communication style. EO Spoja apologized and again expressed appreciation to the Board Members for sharing their feedback. EO Spoja assured the Board that she would continue to address these issues and expressed confidence in the leadership of LS Allstott. EO Spoja encouraged the Board to continue to provide feedback at Board Meetings.

**Post Meeting Survey Update:** DOPL has updated the Board Meeting Survey Form and EO Spoja invited the Board to submit their honest feedback. Results are sent directly to the Administrator and BCRE Bureau Chief.

## **BOARD BUSINESS**

### **EXECUTIVE SESSION – APPLICATION(S)**

**Motion to Enter into Executive Session:** A motion was made and seconded for the Board to enter executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive session is to discuss documents relating to the fitness of a licensee to obtain or retain a license or registration. Roll call: Chair Ellsworth-Aye, Vice-Chair McVey-Aye, Board Member Henry-Aye, Board Member Marine-Aye and Board Member Summers-Aye. The motion carried unanimously.

**Motion to Exit Executive Session:** A motion was made and seconded to exit executive session. The motion carried unanimously.

### **MOTION(S) RESULTING FROM THE EXECUTIVE SESSION**

**Motion(s) re: Application(s):** Upon reviewing licensure applications, the Board made the following motions:

A motion was made and seconded to grant application 1458691 a conditional license under the authority of Idaho Code § 67-9411(3), conditional upon quarterly supervision status updates, either directly from the appropriate supervising officer or correspondence from the licensee bearing the signature of the appropriate supervising officer. With four ayes and one nay, the motion carried.

A motion was made and seconded to table application 1294145, pending receipt of requested information. The motion carried unanimously.

**Public Comment(s):** Mr. Josh Hardin requested a status update on his application, expressing frustration that the application process has been time consuming. EO Spoja reviewed Mr. Hardin's application and noted that his Class 1 license was issued on February 13, 2025. EO Spoja added that Mr. Hardin's application for the Class 2 license was submitted on February 14, 2025 and has been forwarded to the Board for review. Mr. Hardin shared that he had previously received information from DOPL staff that

was incorrect, and this set his application process back by one year. Chair Ellsworth requested that Mr. Hardin document this information and send the letter to EO Spoja for review.

Ms. Leslie Wilder, Backflow Assembly Training Services, commented that her company was approved by the Board as an exam provider, but that it is still not listed as an approved vendor for applicants who are uploading their certificates. Ms. Wilder is currently advising applicants to upload their certificates by selecting another exam provider. Ms. Wilder added that she was told this fix was a priority, but that she is still waiting for the update. EO Spoja acknowledged that while this update is a priority and appears simple, development team's production schedule changes when higher priority issues are identified. EO Spoja added that this problem will be fixed when the new application is uploaded to the site that evening and invited Ms. Wilder to participate in the application review later in the meeting.

**Election of Officers:** A motion was made and seconded to elect Bryson Ellsworth as Chair. The motion carried unanimously. A motion was made and seconded to elect Laurelei McVey as Vice-Chair. The motion carried unanimously.

**Online Meetings:** Vice-Chair McVey asked for clarification with regards to online meeting attendance. At the previous meeting, Vice-Chair McVey thought the Board had agreed that in order to save on travel expenses, all Board meetings would be Online only. Chair Ellsworth replied that local Board Members can attend in person at no cost and added that he chose to attend in person but elected to not have his travel reimbursed. EO Spoja noted that because meetings are open to the public, DOPL is required to provide a physical meeting space. Vice-Chair McVey asked if it would be more helpful to have all Board Members attend online and DOPL staff join through the meeting room. Board Member Summers replied that she would prefer to attend in person, especially for negotiated rulemaking meetings, so that the public would have a Board Member physically present. Board Member Kyle Marine shared that he will attend in-person as much as possible and will participate online when he cannot travel.

With regards to future meetings, Vice-Chair McVey asked that Board Members be contacted for agenda topics before the agenda is finalized. Chair Ellsworth replied that he would contact each Board Member to review agenda topics.

Board Member Henry asked when Open Meeting Law training would be provided, and LC Tate confirmed it will be presented at the next Board meeting.

**OASIS Application Review:** EO Spoja reviewed the updated application with the Board. Once the new application goes live, all Drinking Water and Wastewater Licensees will be notified of the update as well as how to obtain a copy of their license that includes their Class and Level designation. The following changes were discussed:

- EO Spoja will ask the development team if they can create an option to generate a License History Report. This report can be included with the applications sent to Board Members for review.
- For Backflow Assembly Tester, if American Backflow Prevention Association (ABPA) is selected as the Board Approved Provider, the ABC section should not appear.
- While ABPA and Backflow Prevention Exam Provider (BPEP) are currently the only two board approved providers, the "Other" option is provided so that applicants can upload certifications

outside of ABPA and BPEP. DOPL staff will review those certifications and notify applicants if they are insufficient.

- For Drinking Water, EO Spoja will determine if an application programming interface (API) can be created to pull system classifications from the Idaho Department of Environmental Quality (DEQ). An API cannot be created for wastewater at this time as DEQ does not maintain a file on those classifications, but this may be added in the future.
- “0” needs to be an acceptable entry for those applicants without Responsible Charge hours.
- Add a note highlighting that Responsible Charge hours can only be claimed by Class I system types and higher.
- After entering work location, adding a field to capture the job title.
- While the work verification system is being built, an interim fix of adding fields to enter drinking water hours and wastewater hours was suggested.
- If responsible charge requirements are eliminated, that section will need to be removed from the online application.
- Under “Work Experience” the applicant must enter their on-site experience hours and job duties. EO Spoja noted that the rules require a specific number of on-site work experience hours, but requiring applicants to upload additional documentation of their job duties is not required for licensure.
- For those that hold a current license, upgrading a license will be restricted to the next level only. To allow for endorsement, any level can be selected when applying for a new license.
- When applicants are submitting substitutions of education for experience, the education requirements as outlined in rule need to be added: post-secondary education in environmental control, engineering or related science or successful completion of an approved apprenticeship program.
- For work verification hours that require a review from staff, a note should be added to the application that the work hours are under review.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 1:17 PM.