



Oregon

**State Board of Examiners for
Engineering & Land Surveying**

670 Hawthorne Ave. SE, Suite 220

Salem, OR 97301

(503) 362-2666

Fax (503) 362-5454

E-mail: osbeels@osbeels.org

Minutes of Meeting

January 13, 2009

CALL TO ORDER

President Laszlo called the meeting to order at 9:00 a.m. in the conference room of the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) office at 670 Hawthorne Avenue, SE Suite 220, Salem, Oregon 97301.

Members Present:

Susanna Laszlo

Edward Butts (excused absence at 2:00 p.m.)

Grant Davis

Ken Hoffine

Mari Kramer

Dan Linscheid (excused absence at 12:00 p.m.)

Susan Newstetter

John Seward

Carl Tappert

Amin Wahab

Visitors Present:

Gary Anderson, PLS, Professional Land Surveyors of Oregon Liaison

Jacob Ross

Scott Wells, Ph.D., PE, Portland State University

Kelsie Wafer

Others Present:

Mari Lopez, OSBEELS Executive Secretary

Jenn Gilbert, OSBEELS Executive Assistant

Joanna Tucker-Davis, Assistant Attorney General

APPROVAL OF AGENDA

Mr. Linscheid requested to move Item 9. Law Enforcement Committee portion prior to Item 6. Examinations and Qualifications Committee portion on the Agenda. It was moved and seconded (Linscheid/Seward) to approve the agenda as amended. The motion passed unanimously.

APPROVAL OF MINUTES

President Laszlo noted a few revisions to the minutes of the regular meeting held on November 12, 2008. It was moved and seconded (Butts/Wahab) to approve the minutes of the November 12, 2008 Board Meeting, as amended. The motion passed, with Ms. Newstetter abstaining due to her absence from the November meeting.

PUBLIC INPUT

President Laszlo welcomed the guests and requested them to introduce themselves. Gary Anderson, PLS, introduced himself as a representative from the Professional Land Surveyors of Oregon (PLSO). Kelsie Wafer stated that she was present to observe the meeting as part of the curriculum as a junior attending North Salem High School.

Jacob Ross addressed the Board with concerns regarding his performance on the October 2008 professional acoustical examination. He stated that the procedural instructions provided prior to and during the examination were incomplete and led him to believe that the morning portion of the examination would be returned to him during the afternoon to complete. Although previously discussed during the December 12, 2008 meeting of the Examinations and Qualifications (E&Q) Committee, it was determined that the matter would be revisited during their February 2009 meeting.

Scott Wells stated that he was invited to the Board meeting by the E&Q Committee to discuss the Portland State University (PSU) students applying for professional engineering (PE) examinations with a Master's degree in Civil and Environmental Engineering. This matter is contained in the E&Q Committee portion of the agenda.

EXECUTIVE SECRETARY'S REPORT

Committee Activities

Ms. Lopez reported that the Examinations and Qualifications (E&Q), External Relations (ERC), Finance, Law Enforcement (LEC), Professional Practices (PPC), and Rules and Regulations (R&R) Committees each met during the month of December and the Committee minutes were included in the packets.

Administrative Activities

October 2008 Examinations

Ms. Lopez reported that registration Pockets Cards were exhausted due to the December Renewals. This caused a delay in the notification of examination results. Therefore, upon receipt of a shipment of pocket cards, the Fundamentals of Engineering (FE), Fundamentals of Land Surveying (FLS), Professional Engineering (PE), and Professional Land Surveying (PLS) examination scores were sent on Friday, January 9th. She noted that examinees who failed the October 2008 examinations will not be given an extended deadline to submit a re-application form. President Laszlo stated that she had received a few phone calls regarding the deadline for applications. Although the members understood the justification of moving the deadline for all applications to an earlier date, some concerns still exist. After a brief discussion, it was

determined that additional consideration regarding an alternative deadline for those who failed the previous examination would be included on the February 2009 agenda of the RRC.

NCEES Committee Assignments for 2009-2010

In an effort to “go green,” Ms. Lopez informed the members that the National Council of Examiners for Engineering and Surveying (NCEES) is sending emails out inviting Board, Associate, and Emeritus members to complete the Committee Preference form.

Associate and Emeritus Status

Additionally, Ms. Lopez noted that the Board packet information included an NCEES memorandum regarding the Appointment of Associate and Emeritus Members along with a list of current members. The deadline for modifications is February 1, 2009. After a brief discussion, it was determined that no changes would be reported.

2009 Board Presidents Assembly

Ms. Lopez reported that she would be attending the 2009 Board Presidents Assembly with President Laszlo. This meeting is scheduled to be held on February 19-21, 2009 in Atlanta, GA.

2009 Western Zone Meeting

Ms. Lopez also reported that the 2009 Western Zone Meeting has been scheduled to be held at the Banff Park Lodge, in Banff, Alberta, Canada from May 28-30, 2009. After a quick tally, five members that expressed interest were approved to attend the meeting. President Laszlo noted that passports will be required.

Semi-Independent Agency Biennial Reports

Ms. Lopez stated that the Review of Semi-independent Agency Reports pursuant to ORS 182.472 was distributed for Board review. This report was submitted to the Interim Joint Ways and Means Committee in November 2008.

OSBEELS' Legislation

Ms. Lopez reported that the OSBEELS' proposed legislative concepts have been assigned bill numbers for the 2009 Session; LC 319=**SB 142**, LC 320=**SB 143**, LC 321=**SB 144**. She further reported that she and Ms. Gilbert met with Danny Santos, the Governor's Senior Policy Advisor, at his request, so that he could get acquainted with the Board's activities and 2009 Legislative agenda.

Board Vacancies

Ms. Lopez briefly noted that the Board has yet to fill the engineer position that was vacated by George Gross.

Staffing

Ms. Lopez stated that Jennifer Carmack is scheduled to return to work on January 20, 2009.

President Laszlo took the Board into Executive Session as provided by ORS 192.660 (2)(i) to discuss the annual evaluation of the Executive Secretary.

Upon returning to open session, it was noted that no action was taken during Executive Session.

PRESIDENT'S REPORT

President Laszlo reported that she has received many encouraging comments about the Oregon Examiner. Staff reported that there has been a great response to individuals wishing to receive the newsletter by email. The next edition, Winter 2009 will not be sent automatically to all registrants; only by email or by postal mail if requested.

President Laszlo also noted that Ms. Lopez will develop her Year 2009 goals for discussion during the March Board meeting. As a result of the discussion held in Executive Session to discuss the annual evaluation of Ms. Lopez, it was moved and seconded (Seward/Linscheid) to approve the increase in compensation. The motion passed unanimously. Mr. Tappert was then assigned as the Chair of the Committee for the upcoming year, with members Ms. Newstetter and Mr. Butts. President Laszlo also requested Mr. Seward to share the evaluation process with the new team members and requested him to forward the file to the new Chair.

Additionally, President Laszlo appointed Mr. Linscheid and Ms. Newstetter to the nomination and voting committee to consider the next Board President. She noted that ideally, a nomination and vote should occur during the March Board meeting.

LAW ENFORCEMENT COMMITTEE

Mr. Linscheid reported that the Law Enforcement Committee met on December 11, 2008, to discuss the following matters:

Informal Conferences

2453 – Marcela Alcantar

Mr. Linscheid reported that the respondent, Marcela Alcantar, EI, and attorney Bruce Orr met with the Committee in an informal conference by telephone on December 3, 2008, to discuss a Notice of Intent (NOI) to Assess a Civil Penalty of \$1,000 for the unlicensed practice of engineering. He stated that the Committee found the allegations that initiated the complaint were unfounded. However, the investigation revealed violations associated with an October 1999 application by Ms. Alcantar to the Oregon Department of Consumer and Business Services, Office of Minority, Women and Emerging Small Business (OMWESB) in which she requested certification to offer engineering services. While Ms. Alcantar was denied that particular certification due to lack of registration, she was certified to provide selected management and support services. In addition, new evidence was discussed that may require the issuing of an Amended NOI. After a lengthy informal conference exchange, Mr. Linscheid noted that the Committee and Ms. Alcantar were unable to reach a settlement. Therefore, the Committee directed staff to complete further investigation.

2464 – Gordon Snyder

Mr. Linscheid reported that the respondent's attorney Barry Smith met with the Committee in an informal conference on December 11, 2008, to discuss an NOI to Assess a Civil Penalty of

\$3,000 for the use of the title “engineer” and for the unlicensed practice of engineering. The respondent, Gordon Snyder, used the title of “RF Engineer” to sign two reports for a T-Mobile permit application to the City of Springfield regarding the placement of a telecommunications tower. Mr. Linscheid reminded the members that Mr. Snyder is not registered with the Board. City of Springfield codes required a registered engineer to prepare the reports to show compliance with certain land use restrictions. The City of Springfield denied the application.

Mr. Linscheid stated that the Committee offered a settlement wherein Mr. Snyder would admit his conduct was a violation of ORS 672, Mr. Snyder and T-Mobile would refrain from the public use of “RF Engineer,” and Mr. Snyder would pay a \$1,500 civil penalty. Mr. Smith proposed a T-Mobile counteroffer with terms similar to the ones offered in a letter dated January 9, 2009, which was included in the Board packet. Mr. Linscheid further stated that Mr. Smith conveyed that T-Mobile proposed to pay the penalty and reach a settlement without an admission of “liability.” However, the Committee informed Mr. Smith during the informal conference that the term “liability” is incorrect for the context. From the letter, it appeared that T-Mobile does not want to admit the facts and violation of law in order to avoid liability. The issue is not liability. Regardless, Mr. Linscheid reported that the Committee found the T-Mobile offer unacceptable and brought the matter forward for discussion with the Board.

It was observed that the City of Springfield requested a hazard potential report from an engineer because of public health and welfare code requirements. Mr. Snyder signed his findings as RF Engineer in an effort to meet the City’s requirements. However, Mr. Butts dissented noting this issue may be overstepping into the industrial exemption area because the report was related to T-Mobile’s facilities and equipment; the work was not generated for the public. In counterpoint, the City of Springfield request was about T-Mobile’s equipment and how it may or may not affect the health and welfare of the public around the facility. The expectation was an assessment of the radiofrequency radiation emissions relative to health and safety.

Additional discussion was held regarding the NOI issued for two violations for the use of “engineer” and for one violation as the unlicensed practice of engineering for the report regarding radiofrequency radiation. If Mr. Snyder had signed the reports as “RF Technician,” the City might have rejected the reports and the issue might not have arisen. T-Mobile has demonstrated compliance with the City’s requirements because they used an Oregon registrant to subsequently prepare another cell tower permit application. AAG Tucker-Davis distributed a memorandum containing attorney-client privilege information.

Therefore, President Laszlo took the Board into Executive Session as provided by ORS 192.660 (2)(f).

Upon returning to open session, it was noted that no action was taken during Executive Session.

It was moved and seconded (Tappert/Davis) to counteroffer that Mr. Snyder admits to using RF Engineer for two violations of the ORS 672 and that Mr. Snyder would pay a reduced civil penalty of \$1500. The Board also finds that Mr. Snyder practiced engineering in the preparation of the radio frequency report. The motion passed unanimously. If the offer is unacceptable, the

Board will move forward with scheduling a formal hearing with the Office of Administrative Hearings.

2502 – Kerry Bradshaw

Mr. Linscheid reported that the respondent, Kerry Bradshaw, and his attorney Joseph Davis met with the Committee in an informal conference on December 11, 2008, to discuss a NOI to Revoke Registration and Assess a Civil Penalty of \$9,000 for various violations of the ORS 672, the OAR 820, and the ORS 209.250. Mr. Linscheid noted that Attorney Davis acknowledged the violations occurred given the circumstances, which were told to the Committee. The Committee also observed that the allegations were not from clients. He then informed the Board that Mr. Bradshaw recently was sworn as the new Jackson County Surveyor. Mr. Linscheid stated this was a complicated case, but the Committee and Mr. Bradshaw were able to reach a settlement agreement wherein Mr. Bradshaw admitted to the violations. In turn, the revocation was dropped and the civil penalty was reduced to \$3,000. It was moved and seconded (Linscheid/Tappert) for the Board President to sign the settlement agreement with Mr. Bradshaw. The motion passed unanimously.

Cases Reviewed

2437 – Steven Ward / Christopher Schaffner

Mr. Linscheid reported that the complainant, Christopher Schaffner, was the former Mayor of the City of Tangent who alleged that the respondent, Steven Ward, PE, failed to retain records in a manner that would be client accessible according to the OAR 166-200-0105(4),(5),(6),(9) and was unprofessional in his conduct towards the City. Mr. Ward wrote that his firm Westech Engineering had a contract with the City, but it did not require them to maintain the records for City use. However, Westech had stored the documents in their office to allow the City access with a policy to provide the City with copies of documents upon request and payment of expenses. The investigation revealed that the City paid for the documents they sought and Westech produced the copies. It was moved and seconded (Linscheid/Seward) to close the case as Board lacks jurisdiction and allegations unfounded. The motion passed unanimously.

2443 – Edward Wood / Paul Allen

Mr. Linscheid reported that the complainant, Paul Allen, former Douglas County Building Official, submitted a set of plan review letters regarding calculations and plans prepared by the respondent, Edward Woods, PE. The review letters documented concerns about whether Mr. Woods was negligent or incompetent in preparing the plans because of the number of code problems associated with the design. Mr. Linscheid noted that the complainant was not available to provide additional information. However, Mr. Davis agreed to review the letters and offer suggestions for proceeding. As a result, the case required further investigation and will be discussed during the February meeting.

2456 – Michael Reynolds / OSBEELS

Mr. Linscheid reported that the respondent, Michael Reynolds, PE, failed to seal and sign an engineering report. The report was in response to an Oregon Department of Transportation (ODOT) request and was prepared by two individuals under his supervision and control. Mr. Linscheid summarized that the investigation revealed the final report was delivered to ODOT and that Mr. Reynolds acted as the project supervisor, but he failed to seal and sign a final

document. It was moved and seconded (Linscheid/Davis) to close the case with a letter of concern. The motion passed unanimously.

2460 – Fred Shaub / John Keller

Mr. Linscheid reported that the complainant, John Keller, PE, alleged that the respondent, Fred Shaub, PE, failed to seal and sign a set of plans and specifications for an Invitation to Bid (ITB) on the replacement of two HVAC systems for the Medford School District. Mr. Shaub was hired to prepare the ITB that was posted to the Medford School District Web site. Mr. Shaub corrected the matter for the second ITB, but failed to include with his seal and signature his expiration date. A third ITB was successfully posted to the Medford School District Web site. Mr. Linscheid reported that the Committee directed staff to issue a NOI to Assess a Civil Penalty of \$3,000 for violations of the ORS 672.020(2) and the OAR 820-010-0620(2),(4), the OAR 820-010-0621(2), and the OAR 820-020-0015(9),(10).

2470 – Cyrus Allen / Patrick Walsh

Mr. Linscheid reported that the complainant, Patrick Walsh, PE, alleged that the respondent, Cyrus Allen, PE, modified his sealed mechanical and plumbing documents and affixed their seal and signature and company logo. He stated that Mr. Allen responded that he provided seismic restraint designs for utility systems in structures by depicting, as his standard of practice, the restraint designs on copies of mechanical, electrical, and plumbing documents. However, the investigation found that Mr. Allen was not clear with his modifications as required by Board rules. Mr. Linscheid noted that the Committee directed staff to issue a Notice of Intent to Assess a Civil Penalty of \$3,000 for violations of the OAR 820-010-0622(1)(c) and the OAR 820-010-0623.

2477 – Fred Shaub / Robert Koca

Mr. Linscheid reported that the complainant Robert Koca, PE, alleged that the respondent Fred Shaub, PE, used an electronic signature to sign engineering plans. The submitted plan set included 48 pages of engineering plans. The investigation showed that each sheet contained an identical signature. The OAR 820-010-0620(5) that allows the use of electronic signatures became effective July 9, 2008. Mr. Shaub prepared the plans prior to the effective date, which required him to use a wet signature according to the OAR 820-010-0620(4). Mr. Linscheid noted that the Committee directed staff to issue a Notice of Intent to Assess a Civil Penalty by including this violation with the NOI issued in case number 2460.

2478 – Doyle Gilliland / Amir Khazeni

Mr. Linscheid reported that the complainant Amir Khazeni alleged that the respondent Doyle Gilliland, PLS (delinquent), surveyed his property that was discovered over a year later to be in error. Mr. Gilliland agreed to correct the mistake by filing a lot line adjustment at his own expense. The paperwork was prepared and delivered to Mr. Gilliland; however, he never completed the lot line adjustment. Mr. Linscheid noted that the Committee directed staff to issue a Notice of Intent to Revoke Registration and Assess a Civil Penalty of \$2,000 for violation of the OAR 820-020-0025(1) and the OAR 820-020-0015(8).

2513 – Albert Duble / OSBEELS

Mr. Linscheid reported that the respondent Albert Duble, PE (retired), contacted the Board office about reactivating his professional engineer registration. During the discussion, Mr. Duble stated he had practiced engineering while in retired status. Retired registrants are not authorized to practice engineering, only to use the “PE (retired)” designation. Mr. Linscheid noted that the Committee directed staff to issue a Notice of Intent to Assess a Civil Penalty of \$1,000 for violation of the ORS 672.020, Practice of engineering without registration prohibited.

2540 – Calvin Bontrager / OSBEELS

Mr. Linscheid reported that the respondent Calvin Bontrager is a construction contractor who used a handheld GPS unit to conduct an “unofficial survey.” An adjoining owner later hired a PLS to complete a survey of his property. The PLS found a professionally built fence was completed using the unofficial survey results provided by Mr. Bontrager. The fence was encroaching into his client’s property by 11 feet. Mr. Linscheid noted that the Committee directed staff to issue a Notice of Intent to Assess a Civil Penalty of \$2,000 for violation of the ORS 672.025, Practice of land surveying without registration prohibited. Additionally, in response to a question about the amount of the civil penalty, Mr. Linscheid noted that Mr. Bontrager wrote two payment receipts and each is evidence of the violation. The NOI is based on these receipts.

New Business

Unemployment Claims: Professional Reviewers and Expert Witnesses

Mr. Linscheid reported that the Board received notice from the Oregon Employment Department that a professional reviewer the Board used to review a case had submitted an unemployment claim. The Board informed the Employment Department that the reviewer was a contractor and not employee of the Board. While it was thought clear in the Request for Qualifications (RFQ) that professional reviewers are contractors, staff suggested an evaluation to ensure no confusion. In response to a question, the issue has been highlighted recently because of issues with the Contractor’s Board when they hired field investigators. As a result, staff is working with an AAG from the Business Transaction Section of the Department of Justice to evaluate the RFQ. The evaluation may require modifications to the RFQ.

Professional Reviewers and Expert Witnesses Selection Procedures: Revisions

Mr. Linscheid reported that the Board had approved a professional reviewer who later decided to not renew his engineering and land surveying registrations. The individual was no longer qualified to be a professional reviewer and expert witness, but the existing *Professional Reviewers and Expert Witnesses Selection Procedures* did not outline the steps to remove an approved reviewer. In response, staff proposed revised language. It was moved and seconded (Linscheid/Butts) to accept the proposed language. The motion passed unanimously.

Law Enforcement Flow Chart: Revisions

Mr. Linscheid reported that the Law Enforcement Flow Chart was reviewed and two modifications were made to clarify the role of the professional reviewers and to denote that the respondent is not notified when a preliminary investigation does not result in an open case. It was moved and seconded (Linscheid/Butts) to accept the revised Law Enforcement Flow Chart. The motion passed unanimously.

The Board briefly reviewed the Cases Subject to Collections, Cases Subject to Monitoring, and Case Status. There was no further action.

EXAMINATIONS AND QUALIFICATIONS COMMITTEE

Scott Wells, Ph.D., PE, from Portland State University (PSU) was in attendance to address the Board regarding PSU students applying for PE examinations with a Master's degree in Civil and Environmental Engineering. Unfortunately, some of these students have been denied entrance to the PE examination due to non-compliance with OAR 820-010-0230(3). Mr. Wells explained to the members that the department had undergone a name change to "Civil and Environmental Engineering;" however, the degree program had not substantially changed. It was noted that the PSU Civil Engineering is ABET accredited, but the PSU Environmental Engineering program is not. A brief discussion was also held noting that the rule contains language that would allow for substitution of one-year experience for completion of a post-baccalaureate degree program that is in the "same field as" an undergraduate ABET accredited degree. The current process for reviewing applications of this nature was also discussed. Staff informed the members that all applications that do not fit within a particular rule are submitted to the E&Q Committee for consideration. Since it was determined that degree program had not changed substantially due to the name change, it was moved and seconded (Seward/Davis) to temporarily approve the Civil and Environmental Engineering Master's Degree from PSU. The motion passed unanimously. Further discussion and a rule revision will be discussed during the February Committee meeting. Mr. Butts and Mr. Tappert volunteered to collaborate on language to present to the Committee.

Mr. Butts reported that the Examinations and Qualifications Committee met on December 12, 2008, to discuss the following matters:

Four-hour Oregon Specific Land Surveying Examination

Mr. Butts reported that Bob Neathamer attended the meeting to discuss proposed revisions to the four-hour Oregon Specific Land Surveying Examination syllabus. Revisions were made to the syllabus to correlate to the current exam process and to also change the form and content of the examination. He stated that Mr. Neathamer noted the six-hour NCEES professional land surveying portion was revised to reflect the current examination administration by the Engineering and Land Surveying Examination Services (ELSES). Mr. Neathamer also informed the Committee that the four-hour Oregon Specific portion of the examination was revised from seven examination items to five examination items that distribute questions related to the ORSs and the OARs throughout the examination. Mr. Neathamer also requested, if the syllabus is approved by the Board, that the syllabus be sent to the approved candidates with approval letters from the Board. After a brief discussion and recommendation to revise the title of the document, it was moved and seconded (Butts/Wahab) to approve the revised document containing information four-hour Oregon Specific Land Surveying Examination syllabus as Information for Professional Land Surveyor (PLS) Examination. The motion passed unanimously.

Informational

Mr. Butts briefly reported on the information provided to the Committee regarding changes in the organization of the NCEES FE Exam specifications. The memorandum informed that the Engineering Mechanics topics of the FE examination will be divided into two distinct groups

under a *Statics* heading and a *Dynamics* heading. Additionally, Mr. Butts noted that the NCEES is considering future changes to the Mining and Mineral PE examinations and the Civil PE examinations.

Mr. Butts also reported that the Committee reviewed an email from Tom Pettit regarding the continuing professional development requirements as a condition of registration renewal. He stated that the members briefly discussed that continuing education has become universally accepted by most professions and, at this time, will continue for registration with the Board.

Review of Applications

Comity Applications

Mr. Butts reported that the Committee reviewed a comity application from Geoffrey Lance Cooke for registration as a professional civil engineer. The Committee recommended Mr. Cooke's application for approval by the Board. Mr. Cooke successfully passed the NCEES Structural I examination in addition to obtaining the other minimum requirements.

Mr. Butts reported that the Committee reviewed a comity application from Christopher Cox for registration as a professional electrical engineer. The Committee did not recommend Mr. Cox's name for approval by the Board. Although he met the minimum requirements for licensure, he did not successfully pass the PE examination and was awarded 5 Veteran's points in the State of Georgia in which he was subsequently issued a professional electrical engineering license. Mr. Butts noted that staff was directed to invite Mr. Cox to sit for a PE examination as required by ORS 672.102(2).

Mr. Butts reported that the Committee reviewed a comity application from Richard Hall for registration as a professional civil engineer. The Committee recommended Mr. Hall's application for approval by the Board. Mr. Hall submitted information related to previous law enforcement matters in other jurisdictions.

Mr. Butts reported that the Committee reviewed a comity application from Jason Waters for registration as a professional civil engineer. Since Mr. Waters requested to receive 1 year of credit towards the 4-year experience requirement due to his Master of Science degree in Civil and Environmental Engineering degree from PSU, further discussion and review will be held during the February Committee meeting.

Mr. Butts reported that the Committee reviewed a comity application from Scott McDonald for registration as a professional mechanical engineer. The Committee did not recommend Mr. McDonald's application for approval by the Board. Since Mr. McDonald did not successfully pass the FE examination, staff was directed to invite him to sit for the FE examination as required by ORS 672.102(1).

Examination Applications

Mr. Butts noted that the Committee received applications for the April 2009 FE examination from 7 individuals that submitted course-by-course evaluations of foreign degrees. The Committee determined that these 7 individuals met the minimum requirements for entrance to the FE examination pursuant to the OAR 820-010-0225 and OAR 820-010-0227.

Mr. Butts noted that the Committee received applications for the April 2009 FE examination from 4 individuals that submitted course-by-course evaluations of foreign degrees. Since the documentation submitted stated the degrees awarded were not equivalent to degrees recognized by the ABET, the Committee determined that an additional eight years of qualifying work experience would be required to gain admission to the FE examination pursuant to the OAR 820-010-0227(4).

Mr. Butts noted that the Committee received an application from Jea Hyok Chang for the April 2009 FE examination. Although a course-by-course evaluation was received, the documentation stated the degree awarded was not equivalent to a degree recognized by the ABET and the Committee determined that an additional four years of qualifying work experience would be required to gain admission to the FE examination pursuant to the OAR 820-010-0227(4).

Mr. Butts noted that the Committee received an application from Duck Soo Kim for the April 2009 FE examination. Although a course-by-course evaluation was received, the documentation stated the degree awarded was not equivalent to a degree recognized by the ABET and the Committee determined that an additional two years of qualifying work experience would be required to gain admission to the FE examination pursuant to the OAR 820-010-0227(4).

Mr. Butts noted that the Committee received an application from Juan Gregorio for the April 2009 Civil PE examination. Mr. Gregorio submitted the required documentation; however, 2 of the 5 references received contained less-than-positive remarks. Therefore, the Committee requested Mr. Gregorio to submit an additional 2 references and further explanation of the matters discussed by the references.

Re-Applications

Mr. Butts reported that the Committee approved re-applications from John Haglund and Paul Savage for the April 2009 examination administration. These individuals did not achieve a passing grade in their first and second written examinations. As stated in OAR 820-010-0465, they were required to submit valid evidence of further preparation. Evidence reviewed consisted of additional experience gained, special training, courses taken and study materials reviewed.

Licensure

Comity Applications – Mr. Butts directed the members’ attention to the list of 57 professional engineer applicants for licensure by Comity. It was moved and seconded (Butts/Davis) to approve the list of 57 professional engineer applicants as presented. The motion passed unanimously.

First Registration Applications – Mr. Butts directed the members’ attention to the 4 applicants seeking registration based on examination in another jurisdiction or by NCEES. It was moved and seconded (Butts/Seward) to approve the 4 applicants as presented. The motion passed unanimously.

Applications by Prior Practice – Mr. Butts directed the members’ attention to the 6 applicants seeking Geotechnical registration by prior practice. It was moved and seconded (Butts/Kramer)

to approve the 6 applicants as presented. The motion passed unanimously. Ms. Lopez also noted that the deadline for the Board to accept these applications is January 1, 2010.

EXTERNAL RELATIONS COMMITTEE

Ms. Newstetter reported that the External Relations Committee met on December 12, 2008, to discuss the following matters:

Fall 2008 Oregon Examiner

Ms. Newstetter reported that staff informed the Committee that the electronic version of the *Fall 2008 Oregon Examiner* was posted to the OSBEELS Web site and distributed to those who requested the electronic version. She also commented that the next edition would be mailed to those who specifically requested to receive the newsletter in this format. It was also noted that a request to receive the newsletter by email would not automatically change a registrant's email address with the Board records. A registrant should still notify the Board accordingly.

Winter 2009 Oregon Examiner

Ms. Newstetter reported that the Committee made minor revisions to the *How to Avoid Two Common Land Surveying Violations?* article. Further discussion will be held during the February Committee meeting since there were still outstanding concerns to be discussed by the PPC.

In addition, Ms. Newstetter noted that the Committee approved the *NCEES Announces Change to the Organization of FE Examination and Specifications, Interested in Sharing Your Profession?* Articles for inclusion in the *Winter 2009 Oregon Examiner*. Mr. Tappert was also requested to review the *Know the Requirements of Your Biennial Renewal of Registration or Certification!* article. Upon his approval, staff will include the article to the *Winter 2009 Oregon Examiner*.

Web site

Ms. Newstetter also reported that recent developments to the new site have been completed. There was no further discussion.

FINANCIAL REPORT

Mr. Tappert reported that the Finance Committee met on December 12, 2008, to discuss the following matters:

Board Member Outgoing Recognition Policy

Mr. Tappert noted that the Committee reviewed the draft Board Member Outgoing Recognition Policy as provided in the Board packets. It was moved and seconded (Tappert/Kramer) to approve the policy as presented. The motion passed unanimously. Ms. Newstetter also revealed the gift idea the upcoming Board members whose term will expire in June 2009.

Update on QuickBooks Pro 2008

Mr. Tappert reported that staff continues to work on the migration to the new accounting software, QuickBooks Pro 2008. The information for the 2009 – 2011 budget will be gathered for discussion during the February 2009 Committee meeting.

Additionally, Mr. Tappert noted that the current financial information was provided for review. There were no further comments.

PROFESSIONAL PRACTICES COMMITTEE

Mr. Davis reported that the Professional Practices Committee met on December 12, 2008, to discuss the following matters:

LiDAR

Mr. Davis reported that a guest discussion was held regarding light detection and ranging (LiDAR) and if this is considered the practice of land surveying. A power point presentation on the practice and examples of how LiDAR is utilized was given by James Burgess of the Bonneville Power Administration. Also presented to the Committee, was a document prepared by Ron Singh, P.L.S., Oregon Department of Transportation (ODOT) Chief Surveyor. In the document, he outlined the reasons for the question on behalf of ODOT and their basic understanding of LiDAR in relation to the ORS, Chapter 672 and the OAR, Chapter 820. Additionally, Mr. Singh provided issues for the Committee to consider. Mr. Davis stated that unfortunately, after an extensive discussion, the Committee was unable to address the question of what constitutes survey data. He stated that a discussion on this question could take place at a later date. However, the Committee determined that LiDAR is considered a “similar remote sensing technology” as used in ORS 672.002(7). Additionally, if LiDAR work is performed pursuant to an application identified in ORS 672.002(7), then the appropriate professional must be involved.

Boundary by Agreement

Mr. Davis reported that the Committee reviewed correspondence regarding a boundary by agreement as forwarded from the October 2008 LEC meeting. He stated that the Committee discussed that no standard protocol is present in the land surveying profession regarding boundary disputes. Furthermore, under the authority of the Board, ORS, Chapter 672 and the OAR, Chapter 820, do not contain language to address the matter and therefore, the Board lacks jurisdiction.

Options for Exempt Status

Mr. Davis reported that the Committee received and discussed an email from Bruce Lawyer regarding his registration renewal. He stated that Mr. Lawyer requested clarification and submitted comments on the categories available to renew a registration. Mr. Lawyer was informed of the options available in which to place a registration and the results of having a registration in the delinquent status for a period of 5 or more years. Mr. Davis also noted that staff informed him of the proposed legislation to delete the minimum age requirement to place a registration in the retired status.

Dam Design

Mr. Davis reported that the Committee reviewed an email and supplemental information received from Eric Urstadt regarding dam design. Mr. Urstadt inquired if the design of small reservoirs as described in OAR 690-020-0029 constitutes the practice of engineering and would require to be prepared and stamped by a professional engineer. Mr. Davis stated that the

Committee determined the design of small reservoirs would constitute the practice of engineering as defined in ORS 672.005. However, an exemption may apply as contained in ORS 672.060(9), but would need to be determined on an individual basis. Mr. Urstadt was also informed that the Board's authority extends only within ORS 672 and OAR 820.

Surveying Question

Mr. Davis reported that the Committee reviewed an email submitted to Mr. Linscheid from Brady Callahan regarding the practice of surveying. Mr. Callahan inquired if an individual who is not a PLS can create point coordinate values to be used for control in the creation of orthophotography and supply them to a registered photogrammetrist or PLS if those coordinate values are clearly labeled as not intended to be applicable for surveying or engineering purposes. Mr. Davis noted that his question was related to a natural resource project. After discussion, Mr. Davis reported that the Committee noted the exemption contained in ORS 672.060(14) may apply to this particular circumstance. However, it is not how the information is labeled, but the actual intent of the information is used to determine the applicability of any statutory exemption.

2008 Reference Manual for Building Officials

Mr. Davis reported that the Committee briefly discussed the next step in revising the Reference Manual for Building Officials. Regardless of the possible revisions to ORS, Chapter 672 as a result of the 2009 Legislative Session, it was noted that the Reference Manual should be distributed upon completion.

RULES AND REGULATIONS COMMITTEE

Mr. Tappert reported that the Rules and Regulations Committee met on December 12, 2008, to discuss the following matters:

OAR 820-010-0635 – Continuing Professional Development

Mr. Tappert reported that the Committee reviewed a draft rule to clarify OAR 820-010-0635 – Continuing Professional Development. The revisions contain clarification of the maximum number of professional development hours (PDH) units that may be carried over if a registrant exceeds the requirement in a renewal period, a modification to the citation of OAR 820-001-0000, and clarification that the credit determination for *all* activities are subject to Board approval. It was moved and seconded (Tappert/Seward) to approve the rulemaking process to amend OAR 820-010-0635. The motion passed unanimously.

OAR 820-040-0005 – Definitions

Mr. Tappert reported that the reviewed a draft rule revising OAR 820-040-0005 – Definitions. The revisions were drafted with the assistance of Mr. Davis to include definitions for terminology used in the ORSs that relate to significant structures. It was moved and seconded (Tappert/Seward) to approve the rulemaking process to amend OAR 820-040-0005. The motion passed unanimously.

It was noted that a Rulemaking Hearing will be held in the month of May.

ADJOURN

The meeting was adjourned at 2:52 p.m.

NEXT MEETINGS

Next Board Meeting:

March 10, 2009

Next Committee Meetings:

LAW ENFORCEMENT: Thursday, February 12th at 10:00 a.m.*

PROFESSIONAL PRACTICES: Friday, February 13th at 8:00 a.m.

RULES & REGULATIONS: Friday, February 13th at 9:00 a.m.

EXAMINATIONS & QUALIFICATIONS: Friday, February 13th at 11:00 a.m.

FINANCE: Friday, February 13th at 1:00 p.m.

EXTERNAL RELATIONS: Friday, February 13th at 2:00 p.m.

* The 10:00 a.m. time on 2/12/2009 for the LEC is tentative. Depending on the schedule of informal conferences, the LEC may meet later in the afternoon.