



Oregon

State Board of Examiners for
Engineering & Land Surveying
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Minutes of Meeting
September 13, 2011

CALL TO ORDER

President Linscheid 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:

Dan Linscheid
Steven Burger
James Doane
Ken Hoffine
Sue Newstetter
John Seward
Carl Tappert
Amin Wahab
Grant Davis (excused absence)

Visitors Present:

Chris Jarmer, Oregon Forest Industry Council (OFIC) (arrived at 11:25 a.m.)
Mike Hardy, PE, Professional Engineers of Oregon (PEO)/National Society of Professional Engineers (NSPE) (arrived at 12:50 p.m.)

Others Present:

Mari Lopez, OSBEELS Executive Secretary
Jenn Gilbert, OSBEELS Executive Assistant
Allen McCartt, OSBEELS Investigator
JR Wilkinson, OSBEELS Investigator
Joanna Tucker-Davis, Assistant Attorney General

APPROVAL OF AGENDA

It was moved and seconded (Wahab/Tappert) to approve the agenda. The motion passed unanimously.

APPROVAL OF MINUTES

It was moved and seconded (Doane/Tappert) to approve the minutes of the July 12, 2011 Board Meeting as presented. The motion unanimously.

EXECUTIVE SECRETARY'S REPORT

Committee Activities

Ms. Lopez reported that the Examinations and Qualifications (E&Q) Committee, External Relations Committee (ERC), Finance Committee, Law Enforcement Committee (LEC), Professional Practices Committee (PPC), Rules and Regulations (R&R) Committee, and the

Standards of Land Surveying Practices Committee each met during the interim. The Committee minutes were included in the packets.

Administrative Activities –

October 2011 Oregon Specific Examinations/ National Council of Examiners for Engineering and Surveying (NCEES)

Ms. Lopez reported that staff is currently preparing for the October 2011 examinations. The National Council of Examiners for Engineering and Surveying (NCEES) examinations will be held at the Oregon State Fair & Expo Center in Salem, Oregon on October 28 – 29, 2011. The Oregon Specific examinations will be held either at the University of Phoenix or OSBEELS office. Ms. Lopez also provided the approximate number of approved applicants for the October 2011 administration. President Linscheid requested to be placed on the list of OSBEELS representatives as site observers for the October 2011 NCEES examination administration at the Oregon State Fairgrounds. He intends to be present on Friday, October 28, 2011.

Registration

Ms. Lopez noted that staff will mail courtesy reminders in October for the December 31, 2011 biennial renewal schedule. Pursuant to the Oregon Administrative Rule (OAR) 820-010-0505, a late penalty fee of \$80.00 per registration will be assessed for renewals and CPD Organizational forms not received by 5:00 p.m., on December 31, 2011.

Miscellaneous Correspondence

For informational purposes, Ms. Lopez included a copy of correspondence sent to the Board from the City of Gold Hill dated August 4, 2011 that was also sent to the attention of the Governor. Correspondence from the Transportation and Development Institute (T&DI) dated August 22, 2011 was also provided for informational purposes. It was noted that no action from the Board was required for either matter.

NCEES 90th Annual Meeting

Ms. Lopez reported that she attended the NCEES Annual meeting in Providence, Rhode Island during August along with Dan Linscheid, Sue Newstetter, Ken Hoffine, and Amin Wahab. During the Annual meeting, two matters by the Committee on Examination Policy and Procedures were discussed and voted on that will create an effect on the Board; Engineering and Surveying Examinations and Release of Examination Results. Effective with the Spring 2013 examination administration, the Principles and Practice of Surveying examination will change from an open-book examination to a closed-book examination (Fall 2012 examination administration will be the last open-book administration). With respect to the Release of Examination Results, two separate lists were drafted to delineate the authority between NCEES and Member Boards to invalidate a candidate's examination result due to non-compliance with the conditions stated in the Candidate Agreement. It was noted that 53 Member Boards voted in favor; 10 Member Boards, including Oregon, voted against; while 3 Member Boards did not vote. Ms. Lopez stated that there were many instances in which various Member Boards did not further investigate the allegations of examination collusion. As a result, the matter was referred to the R&R Committee meeting for revising OAR 820-020-0040 – Examination Subversion. Ms. Newstetter requested that Staff draft an article announcing the change to the Principles and Practice of Surveying examination.

Additionally, during the Member Board Administrator's Forum, Ms. Lopez stated that a brief discussion took place concerning a software engineering examination. Apparently, NCEES with cooperation from IEEE and other professional organizations have been working to develop a PE examination for software engineering. This examination may be available as soon as Spring 2013. There was no further discussion.

Social Computing Policies for Employees

Ms. Lopez informed the members that a Social Computing policy is underway so that OSBEELS may proceed with obtaining a presence on Facebook and Twitter. She has also requested AAG Tucker-Davis to address concerns with matters such as; public records, free speech, intellectual property, etc... Upon receipt of advice from the AAG, the matter will be referred to the ERC for further review.

Joint Compliance Committee Meeting (JCC)

Ms. Lopez briefly noted that a Joint Compliance Committee (JCC) meeting is scheduled to be held on September 22, 2011 at the OSBEELS office with members of the Oregon State Board of Geologist Examiners (OSBGE). Dan Linscheid, Grant Davis, and John Seward are the OSBEELS Board members that will be participating in this meeting.

OSBEELS Symposium

As of this date, 64 individuals have registered for the September 29, 2011 Symposium. Ms. Lopez stated that registration was extended until September 16, 2011. The Symposium was announced through email blasts with various professional societies and a 2-page advertisement was also placed with the *Oregon Surveyor*; a publication of the Professional Land Surveyors of Oregon (PLSO).

Board Vacancies

Ms. Lopez noted that the Governor's Office has yet to fill an engineering and public member position. Staff noted that the current vacancies are "at large." In other words, the Governor's Office isn't searching for individuals from a particular Congressional District.

Staffing

The announcement for one full-time Compliance Specialist position has been posted since May 11, 2011. Ms. Lopez revealed that OSBEELS has only received 4 applications.

During the January Board meeting, Mr. Wahab was asked to document the process utilized to conduct the Executive Secretary's performance evaluation. Mr. Wahab informed the Board that he would propose language for inclusion to the Board Member Manual regarding the Executive Secretary's performance evaluation process. He further stated that the manual currently has a placeholder. Ms. Lopez stated that she has received comments from AAG Tucker-Davis and Mr. Seward regarding the manual. Ms. Lopez also explained that other areas of the manual are in need of completion. These areas include: Board Officers, Committee composition, nomination and election procedure, terms of office, selection process, and etc... There was no further discussion.

PRESIDENT'S REPORT

President Linscheid briefly reported on his attendance at the NCEES Annual meeting. He and Ms. Newstetter shared their ongoing effort to inform the Member Boards and NCEES Staff on the Teachers Working in Science and Technology (TWIST) program. This program provides a challenging technical experience for teachers in a real setting. Ms. Newstetter further explained that since NCEES has always invested a significant amount of time and money exploring resources for engineering programs, the surveyors requested that NCEES take on the charge of exploring this program to support the surveying community.

President Linscheid mentioned that he met with the Professional Land Surveyors of Oregon (PLSO) Board in Springfield to discuss the draft rule developed by OSBEELS' Standards of Land Surveying Practices Committee concerning narratives. The meeting was well received and the draft rule will be disseminated to each PLSO Chapter for additional input.

President Linscheid also informed the Board that Mark Mayer, PLS conveyed an interest in serving as a Public Member to the Professional Land Surveying Practices Committee. The Board accepted Mr. Mayer's interest. As a result, President Linscheid directed Staff to add his name to the Committee Assignments list. There was no further discussion.

EXAMINATIONS AND QUALIFICATIONS COMMITTEE

In the absence of Mr. Davis, Mr. Wahab reported that the E&Q Committee met on August 12, 2011 to discuss the matters contained in the Committee minutes. Additional discussion was held regarding the following matters:

CWRE Examinations

It was moved and seconded (Tappert/Newstetter) to approve the test procedures and volunteer development team as subject matter experts with regard to the Certified Water Right Examination. The motion passed unanimously.

Oregon Specific Examinations

Prior to entering into Executive Session, Mr. Seward announced that he has written exam questions for the forest engineering examination as a volunteer. He also inquired to AAG Tucker-Davis whether he should recuse himself from the discussion. AAG Tucker-Davis opined that she did not consider his involvement a conflict.

President Linscheid took the Board into Executive Session as provided by Oregon Revised Statute (ORS) 192.660(2)(f) to consider information that is exempt by law from public inspection. Upon returning to open session, it was noted that no action was taken during Executive Session.

A lengthy discussion was held regarding the integrity and security of the forest engineering examination. Ms. Newstetter directed staff to draft a letter to Mr. Pyles updating him on OSBEELS' Oregon-Specific Exam Policies adopted by the Board on November 9, 2010. She further added that references should be made to OAR 820-010-0463 Cutoff Scores for Examinations and OAR 820-010-0470 Review of Examinations Administered by the Board. Mr.

Tappert questioned the number of examinees per examination administration. Ms. Gilbert responded that OSBEELS did not receive applicants for the 2009 and 2010 examination administration. However, OSBEELS did receive 2 applicants for the 2011 examination administration. Mr. Tappert noted that if necessary the examination could be discontinued pursuant to OAR 820-010-0450(3). Ms. Lopez reminded the Board that OSBEELS and the Washington State Board have entered into a Memorandum of Understanding (MOU) through June 30, 2014 to continue with the development and administration of the forest engineering examinations in Oregon. As a result, OSBEELS would need to notify the Washington State Board at least one year from the planned termination of the examination. Mr. Seward requested the rationalization behind E&Q's consideration of discontinuing the examination during the August meeting. Staff responded that the two main reasons are no grader's key and not enough applicants for the examination. Staff will respond accordingly.

Registration

Comity Applications – Mr. Wahab directed the members' attention to the list of 72 professional applicants for registration by comity. It was moved and seconded (Wahab/Tappert) to approve the list of 72 professional applicants as presented. The motion passed unanimously.

1st Registration Applications – Mr. Wahab directed the members' attention to the 14 applicants seeking 1st registration. It was moved and seconded (Wahab/Tappert) to approve the 14 applicants as presented. The motion passed unanimously.

EXTERNAL RELATIONS COMMITTEE

On behalf of the ERC, Mr. Wahab reported that they met on August 12, 2011, to discuss the matters as contained in the Committee minutes. Additional discussion was held regarding the following matters:

Symposium

The deadline for registering for the Symposium was extended from September 1st to September 16th. Staff informed the Board that this action was due to the number of extension requests received at the Board Office. In addition, Ms. Gilbert informed the Board that at this point of time 78 individuals have registered. No further edits were required to the Symposium Evaluation and Certificate of Completion forms.

Oregon Examiner Articles

- FE, FS, Exams Offered Electronically
- WA Structural III Date Change
- New OSBEELS Logo

It was moved and seconded (Wahab/Doane) to approve the articles as presented. The motion passed unanimously.

- Law Enforcement Cases Feb-July 2011
- New Board Appointments
- Senate Bill 126

Mr. Tappert expressed his concerns with publishing a summary of case #2572 in the Law Enforcement Cases article. The concerns stem from that fact that case #2572 is currently in

litigation. The members of the Board agreed to publish a summary of case #2572 after the final resolution. It was moved and seconded (Wahab/Doane) to approve the articles as presented with a minor revision to the Law Enforcement Cases Feb-July 2011 article. The motion passed unanimously.

FINANCE COMMITTEE

Mr. Doane reported that the Finance Committee met on August 12, 2011, to discuss the matters as contained in the Committee minutes. Additional discussion was held regarding the following matters:

Credit Card Awards/Travel Awards

Mr. Doane informed the Board that a Board member cannot keep any financial benefit obtained from the use of a personal credit card (i.e., redeemable points) or through the use of a travel awards program (i.e., frequent flyer miles) when obtained through official Board business. He further advised members to use cash or to utilize Staff to make the various arrangements with the Board's funds accordingly. As a result, minor revisions will be made to the Travel & Expenditure Reimbursement Policy.

Purchasing Policy

Mr. Doane briefly informed the Board that pursuant to Oregon Revised Statute (ORS) 182.460, the Board must adopt contracting and purchasing procedures. In addition, DAS must review those policies and procedures for compliance with applicable state and federal laws. As result, the Committee will continue to work with Staff on this effort.

Finance Reports

Members reviewed the Statement of Net Assets (Balance Sheet) and the Statement of Activities (Profit and Loss Statement for the period of July 1, 2009 through May 31, 2011. This time period reflects the latest data received in bank statements for the 2009 – 2011 biennium.

LAW ENFORCEMENT COMMITTEE

Mr. Tappert reported that the Law Enforcement Committee (LEC) met on August 11, 2011, to discuss the following matters:

Informal Conferences

2687 – John W. Rundall

Mr. Tappert reported the LEC held a teleconference with respondent John W. Rundall, PE, to discuss a Notice of Intent to Assess a \$1,000 Civil Penalty (NOI) for recreating records of his continuing professional development (CPD) activities rather than maintaining those records in violation of Oregon Administrative Rule (OAR) 820-010-0635(5) and OAR 820-020-0015(7). Mr. Rundall signed his renewal form certifying he completed the required Professional Development Hour (PDH) units in compliance with CPD requirements. When Mr. Rundall was requested to participate in an audit of his CPD documentation, he failed to respond to the first notice. Mr. Rundall responded to the second request, but failed to submit supporting documentation. Once his file was transferred to the LEC, Mr. Rundall subsequently submitted records when requested to do so by a Board investigator.

Mr. Tappert explained the LEC found that Mr. Rundall had been audited before and had provided acceptable documentation. However, Mr. Rundall responded with similar documentation during this audit and it was found not in compliance due to clarification of rule. Mr. Tappert explained that Mr. Rundall submitted journal records showing he had obtained the necessary PDH units, but he was lacking supporting documentation. Once examples of the types of acceptable supporting documentation were explained to Mr. Rundall, he was able to reconstruct CPD records to demonstrate compliance. Mr. Tappert added that Mr. Rundall's company changed procedures to ensure that certificates or sign-in sheets are distributed for employee records. It was moved and seconded to withdraw the NOI (Tappert/Doane). The motion passed unanimously.

2666 – William Boehm

Mr. Tappert reported the LEC held a teleconference with respondent William Boehm, PE, to discuss a Notice of Intent to Suspend Registration and to Assess a Civil Penalty of \$5,000 (NOI) for failing to cooperate with the Board regarding the audit of his CPD activities in violation of OAR 820-010-0605(1), OAR 820-010-0635(1),(5), OAR 820-020-0015(7),(8), OAR 820-020-0025(1), and Oregon Revised Statute (ORS) 672.200(4). Mr. Boehm signed his renewal form certifying he completed the required PDH units in compliance with CPD requirements. When Mr. Boehm was requested to participate in the CPD audit, he failed to respond to three notices, including one when he signed a return receipt. Mr. Tappert noted that Mr. Boehm's employer is being held hostage in Libya and his time has been consumed negotiating his employer's release. He added that Mr. Boehm offered no excuse for not being able to submit the records. Nevertheless, the LEC reached a settlement wherein Mr. Boehm would retire his registration without reinstatement in lieu of the civil penalty. It was moved and seconded to approve the settlement agreement with Mr. Boehm (Tappert/Doane). The motion passed unanimously.

2645 – Steven A. Ward

Mr. Tappert reported the LEC met in an informal conference with respondent Steven A. Ward, PE, to discuss a Notice to Suspend Registration and to Assess a Civil Penalty of \$2,000 (NOI) for failing to cooperate with the Board regarding an audit of his CPD activities in violation of OAR 820-010-0635(1), OAR 820-020-0015(7), and ORS 672.200(4). Mr. Ward was sent a letter informing him of an audit of the PDH units he claimed on his renewal form and when he responded he submitted a list of the PDH units without providing documentation. Mr. Tappert pointed out that Mr. Ward demonstrated he had met CPD requirements, but personal health problems precluded him from completing many activities during the audit period. He added that Mr. Ward accepted responsibility for not meeting the documentation requirements and admitted only poor recording keeping. The LEC reached settlement by waiver of the suspension and a reduced civil penalty to \$250. It was moved and seconded to approve the settlement agreement with Mr. Ward (Tappert/Wahab). The motion passed unanimously.

2663 – Larry R. Scoggins

Mr. Tappert reported the LEC held a teleconference with respondent Larry R. Scoggins, PE, to discuss a Notice to Assess a Civil Penalty of \$1,000 (NOI) for failing to cooperate with the Board regarding an audit of his CPD activities in violation of OAR 820-010-0635(1),(5) and OAR 820-020-0015(7). Mr. Scoggins responded to the audit by stating he was unable to provide PDH documentation showing compliance with CPD requirements for the audit period. Mr.

Tappert noted that Mr. Scoggins had moved from California to Oregon to retire and subsequently received his Oregon registration a few years later. Mr. Scoggins speculated his CPD documentation was lost during the move and offered to permanently retire his registration in lieu of the civil penalty, which the LEC accepted. It was moved and seconded to approve the settlement agreement with Mr. Scoggins (Tappert/Doane). The motion passed unanimously.

2681 – Craig W. Forbes

Mr. Tappert reported the LEC met in an informal conference with respondent Craig W. Forbes, PLS, to discuss a Notice to Assess a Civil Penalty of \$1,000 (NOI) for failing to change his address in violation of OAR 820-010-0605(1). An audit letter of Mr. Forbes' CPD activities was sent to the address he provided the Board, but he failed to respond, or respond to subsequent letters. Once his file was transferred for investigation, another address was found and Mr. Forbes was able to respond with the appropriate CPD documentation. Mr. Tappert observed that Mr. Forbes admitted he did not know of the 30-day requirement to notify the Board of any address change¹ and that he did not dispute the violation. The LEC considered that Mr. Scoggins made an inadvertent mistake and was unlikely to repeat the violation. The LEC reached settlement by assessing him a \$100 civil penalty. It was moved and seconded to approve the settlement agreement with Mr. Forbes (Tappert/Doane). The motion passed unanimously.

2660 – Gary L. Bisonett

Mr. Tappert reported the LEC held a teleconference with respondent Gary L. Bisonett, PE, to discuss a Notice to Suspend Registration and to Assess a Civil Penalty of \$3,000 (NOI) for failing to cooperate with the Board regarding an audit of his CPD activities in violation of OAR 820-010-0635(1),(5), OAR 820-020-0015(7), OAR 820-020-0025(1), and ORS 672.200(4). When Mr. Bisonett was sent a letter informing him of an audit of the PDH units he claimed on his renewal form, he replied with a list of his PDH units. However, the amount of PDH units claimed did not conform to the Board's requirements, such as the limitation that no more than 6 PDH units may be claimed for self-study. Regardless, Mr. Bisonett reported what he had completed. Mr. Tappert stated that Mr. Bisonett offered to accept more suspension time in exchange for a reduced civil penalty. The LEC reached settlement by a \$500 civil penalty and a 90-day suspension. It was moved and seconded to approve the settlement agreement with Mr. Bisonett (Tappert/Doane). The motion passed unanimously.

2648 – Koichi Yamazaki

Mr. Tappert reported the LEC held a teleconference with respondent Koichi Yamazaki, PE, to discuss a Notice to Assess a Civil Penalty of \$1,000 (NOI) for failing to cooperate with the Board regarding an audit of his CPD activities in violation of OAR-010-0635(1),(5) and OAR 820-020-0015(7). When Mr. Yamazaki was sent a letter informing him of an audit of the PDH units he claimed on his renewal form, he replied that he was unable to provide the documentation due to his overseas assignment. The investigation found that Mr. Yamazaki has been working in

1. OAR 820-010-0605, Address Changes; Service of Notice; and Name Changes, (1) It is the registrant's responsibility to inform the Board in writing, within 30-days, of any address change, including any change of an e-mail address. Notice by registered or certified mail to the registrant's last address on file with the Board shall constitute service; (2) It is the registrant's responsibility to inform the Board in writing, within 30-days, of any name change. Documentation showing current legal name must be submitted.

Saudi Arabia as an engineer since October 2009 and his audit letters were sent to Japan. When he returned to Japan for a break he was unable to locate the records. Mr. Tappert explained that Mr. Yamazaki took 30 PDH units in the mistaken belief that it would retroactively apply and had therefore fulfilled his current PDH requirements. The LEC reached settlement wherein Mr. Yamazaki was assessed a \$250 civil penalty. It was moved and seconded to approve the settlement agreement with Mr. Yamazaki (Tappert/Wahab). The motion passed unanimously.

2665 – Marc Able

Mr. Tappert reported the LEC held a teleconference with respondent Marc Able, PE, to discuss a Notice to Suspend Registration and to Assess a Civil Penalty of \$3,000 (NOI) for failing to cooperate with the Board regarding an audit of his CPD activities in violation of OAR 820-010-0605(1) and OAR 820-020-0015(8). Mr. Able failed to respond to two notices regarding an audit of the PDH units he claimed on his renewal form. Once a law enforcement case was opened and another address was discovered, Mr. Able responded to the allegations by providing CPD documentation that was found to be in compliance. However, his address had not been changed within 30-days as required. Mr. Tappert observed that Mr. Able had shut down his business of 27 years, which occurred just after the first audit letter was sent out. All of their mail was forwarded, but many pieces were not including the Board audit letters. He added that Mr. Able had no interest in renewing his Oregon registration when it expires in December 2011, but would not accept a suspension. The LEC reached settlement by a reduced civil penalty of \$100 for failing to change his address. It was moved and seconded to approve the settlement agreement with Mr. Able (Tappert/Doane). The motion passed unanimously.

2667 – John M. Bosch

Mr. Tappert reported the LEC met in an informal conference with respondent John M. Bosch, PE, to discuss a Notice to Suspend Registration and to Assess a Civil Penalty of \$4,000 (NOI) for failing to cooperate with the Board regarding an audit of his CPD activities in violation of OAR 820-010-0635(1),(5), OAR 820-020-0015(7),(8), OAR 820-020-0025(1), and ORS 672.200(4). Mr. Bosch was sent two audit letters, which he failed to respond. He then failed to respond to a third letter sent by return, certified receipt for which he signed. Once a law enforcement case was opened, Mr. Bosch responded that he had not acquired any PDH units during the audit period and does not have the records. Mr. Tappert related that Mr. Bosch admitted he had not kept a log of his PDH activities. He explained, however, that Mr. Bosch is a lead estimator and construction project manager who took CPD courses in his field of construction, but felt those efforts were not compliant. Nevertheless, the LEC found that Mr. Bosch should have documented those efforts and submitted them for the audit and allowed the Board to review the evidence. The LEC reached settlement by a \$1,000 civil penalty and suspension of his registration for 90-days. It was moved and seconded to approve the settlement agreement with Mr. Bosch (Tappert/Newstetter). The motion passed unanimously.

2683 – Fredrick M. Hotes

Mr. Tappert reported the LEC met in an informal conference with respondent Fredrick M. Hotes, PLS, to discuss a Notice to Suspend Registration and to Assess a Civil Penalty of \$4,000 (NOI) for failing to cooperate with the Board regarding an audit of his CPD activities in violation of OAR 820-010-0635(1),(5), OAR 820-020-0015(7),(8), OAR 820-020-0025(1), and ORS 672.200(4). Mr. Hotes failed to respond to two Board letters in regards to an audit of his PDH

units. When he responded to the third letter, Mr. Hotes wrote he was unable to locate any documentation of his CPD efforts other than his employment and professional practice work. When he responded to an investigator, Mr. Hotes wrote “*non-compliance is somewhat intentional because I do not agree with the underlying premise that it is necessary to demonstrate competency in any way other than engaging in the practice of land surveying within the hopefully expanding limits of my abilities.*” Mr. Tappert highlighted that Mr. Hotes resides in Washington, his Oregon registration had expired, and he did not want the burden of CPD compliance. Mr. Hotes had clarified for the LEC that his experience was more important than continuing education. However, Mr. Hotes also admitted he had attended meetings and seminars, but had not kept records. The LEC reached settlement by a civil penalty of \$500 and by retirement of his registration without reinstatement for failure to comply with CPD requirements. It was moved and seconded to approve the settlement agreement with Mr. Hotes (Tappert/Newstetter). The motion passed unanimously.

2669 – Stephen F. Burke

Mr. Tappert reported the LEC held a teleconference with respondent Stephen F. Burke, PE, to discuss a Notice to Suspend Registration and to Assess a Civil Penalty of \$4,000 (NOI) for failing to cooperate with the Board regarding an audit of his CPD activities in violation of OAR 820-010-0635(1),(5), OAR 820-020-0015(7),(8), OAR 820-020-0025(1), and ORS 672.200(4). After not responding to three audit letters, Mr. Burke responded to an investigator by telephone to state he was going to respond to the allegations. However, Mr. Burke did not submit any letters or documentation. Three months later Mr. Burke phoned OSBEELS to advise he was gathering his PDH records and would respond shortly. However, OSBEELS received no response other than to the NOI, which included compliant CPD records. Mr. Tappert presented that Mr. Burke admitted he should have responded over a year ago and that he had no excuse for not responding more promptly given that he had an excess of PDH units. The LEC reached settlement by a reduced civil penalty of \$250. It was moved and seconded to approve the settlement agreement with Mr. Burke (Tappert/Doane). The motion passed unanimously.

2592 – David Place

Mr. Tappert reported the LEC met in an informal conference with respondent David Place, PE (retired), PLS (lapsed), and his attorney Aaron Hessel to discuss a Notice to Assess a Civil Penalty of \$4,000 (NOI) for use of the PE title without registration in violation of OAR 820-010-0520, OAR 820-010-0720, OAR 820-020-0025(1), ORS 672.007(1)(a),(c), ORS 672.020(1), ORS 672.045(1),(2), and ORS 672.200(4). Mr. Place gave a sworn deposition in which he stated he was a registered engineer in Oregon. However, his registration had been retired.² Mr. Tappert informed the Board that Mr. Place is a building and construction consultant who performs “constructability reviews” about whether a particular design can be constructed, or how it can be constructed. While his consulting activities also appear to be the professional practice of engineering, the LEC found Mr. Place was hired to perform work when he was an active registrant. Sometime after completing the work he retired his registration; however, he later was called for a deposition and had forgotten about his retired status. Once the matter went to trial,

² ORS 672.005(1)(b) defines the practice of engineering to include providing professional testimony and ORS 672.007(1)(a) defines the use of the PE title as the practice of engineering. OAR 820-010-0520, Registrants or Certificate Holders Not Qualified to Practice, prohibits retired registrants from engaging in or offering professional services. Mr. Place practiced unlicensed engineering by providing professional testimony and by use of the title.

Mr. Place testified as to his status and the judge ruled he was not qualified as an expert witness and was dismissed. Mr. Place admitted to inadvertent use of the title, but it was used as a means to clarify his education and experience. In addition, Mr. Place established businesses that use the “engineer” name, which also were violations for a retired registration. The LEC reached settlement by abating the civil penalty pending no further violations and by Mr. Place submitting documentation showing changed business names. It was moved and seconded to approve the settlement agreement with Mr. Place (Tappert/Hoffine). The motion passed unanimously.

2675 – Frank Lee

Mr. Tappert reported the LEC held a teleconference with respondent Frank Lee, PE, to discuss a Notice to Suspend Registration and to Assess a Civil Penalty of \$5,000 (NOI) for failing to cooperate with the Board regarding an audit of his CPD activities in violation of OAR 820-010-0635(1),(5), OAR 820-020-0015(7),(8), OAR 820-020-0025(1), and ORS 672.200(4). Mr. Lee was sent two audit letters and he signed for a third audit letter sent by return, certified receipt. However, he failed to respond to any audit correspondence or to a Board investigator. Mr. Tappert stated Mr. Lee apparently completed his CPD requirements, but was unable to produce documentation due to a realignment of his business. Mr. Lee also faced personal issues that distracted him. The LEC reached settlement by assessing a \$500 civil penalty and by retirement of his registration without reinstatement. It was moved and seconded to approve the settlement agreement with Mr. Lee (Tappert/Newstetter). The motion passed unanimously.

2671 – Britton W. Gentry

Mr. Tappert reported the LEC met in an informal conference with respondent Britton W. Gentry, PE, to discuss a Notice to Assess a Civil Penalty of \$1,000 (NOI) for failing to cooperate with the Board regarding an audit of his CPD activities in violation of OAR 820-010-0635(5) and OAR 820-020-0015(8). Mr. Gentry failed to respond to the first two audit letters and he failed to provide documentation when he responded to the third audit letter. In response to a Board investigator, however, Mr. Gentry was able to provide compliant documentation. Mr. Tappert commented that Mr. Gentry was working for himself and his records were inaccessible because they were placed into storage when he accepted a full-time position. In addition, Mr. Tappert noted that Mr. Gentry had submitted compliant documentation for a previous audit and had not understood what was required until he spoke to an investigator. Nevertheless, Mr. Gentry offered no excuse for his delay in responding and wanted to settle the matter. The LEC reached settlement by assessing a \$250 civil penalty. It was moved and seconded to approve the settlement agreement with Mr. Gentry (Tappert/Newstetter). The motion passed unanimously.

2638 – Gail N. Luthy

Mr. Tappert reported the LEC met in an informal conference with respondent Gail N. Luthy, PE, to discuss a Notice to Assess a Civil Penalty of \$1,000 (NOI) for failing to cooperate with the Board regarding an audit of her CPD activities in violation of OAR 820-010-0635(5) and OAR 820-020-0015(7),(8). Ms. Luthy failed to respond to the first two audit letters and she failed to provide documentation when she responded to the third letter. However, Ms. Luthy provided documentation in response to a Board investigator, which was found compliant. Mr. Tappert pointed out that Ms. Luthy was not aware what supporting documentation was needed when she reviewed her records. During this period, her husband passed away thus compounding her ability to respond. He noted Ms. Luthy communicated with a Board investigator by requesting

extensions because she was unable to submit the documentation until a later date. During the informal conference, she offered no excuses for not responding earlier. The LEC reached settlement by assessing a \$250 civil penalty. It was moved and seconded to approve the settlement agreement with Ms. Luthy (Tappert/Doane). The motion passed unanimously.

2657 – Charles M. Redfield

Mr. Tappert reported the LEC met in an informal conference with respondent Charles M. Redfield, PE, to discuss a Notice to Suspend Registration and to Assess a Civil Penalty of \$4,000 (NOI) for failing to cooperate with the Board regarding an audit of his CPD activities in violation of OAR 820-010-0635(1),(5), OAR 820-020-0015(7),(8), and ORS 672.200(4). Mr. Redfield was sent two audit letters, but failed to respond. When Mr. Redfield responded to the third letter, he wrote, “In regards to continuing professional development or CPD, I have frankly never done anything about it, and after 55 years of working in engineering, I do not plan to start now.” Mr. Redfield responded to a Board investigator stating he failed to obtain the required PDH units. Mr. Tappert observed that Mr. Redfield was at the point in his career where he appeared ready to retire his registration. The LEC found that Mr. Redfield had signed the renewal form believing all of his extracurricular activities met the requirements. The LEC learned of examples of his engaged activities, but Mr. Redfield had not submitted them for review by the Board. The LEC reached settlement by retirement of his registration without reinstatement and a \$1,000 civil penalty. It was moved and seconded to approve the settlement agreement with Mr. Redfield was (Tappert/Newstetter). The motion passed unanimously.

2679 – Paul C. Anderson

Mr. Tappert reported the LEC held a teleconference with respondent Paul C. Anderson, PE, to discuss a Notice to Suspend Registration and to Assess a Civil Penalty of \$3,000 (NOI) for failing to cooperate with the Board regarding an audit of his CPD activities in violation of OAR 820-010-0635(1),(5), OAR 820-020-0015(7),(8), and ORS 672.200(4). Mr. Anderson failed to respond to the first audit letter and when he responded to the second audit letter he failed to provide supporting documentation. Mr. Anderson then failed to respond to a third audit letter, so a law enforcement case was opened. Rather than writing a response to the Board investigator, Mr. Anderson provided documentation of his CPD activities in response to the NOI. Mr. Tappert explained that Mr. Anderson had kept his calendar current for conferences, but not documentation. To reduce costs, however, his company is now offering in-house trainings with certificates and sign-in sheets, which had not been done before. The LEC reached settlement with a \$250 civil penalty. It was moved and seconded to approve the settlement agreement with Mr. Anderson (Tappert/Newstetter). The motion passed unanimously.

2674 – Richard A. Kellner

Mr. Tappert reported the LEC held a teleconference with respondent Richard A. Kellner, PE, to discuss a Notice to Assess a Civil Penalty of \$1,000 (NOI) for failing to cooperate with the Board regarding an audit of his CPD activities in violation of OAR 820-010-0635(5) and OAR 820-020-0015(7),(8). Mr. Kellner failed to respond to the first audit letter and when he responded to the second audit letter he was found practicing in Florida and was trying to locate his archives. Because Mr. Kellner failed to respond to the audit, a law enforcement case was opened. When he responded to a Board investigator, Mr. Kellner provided CPD documentation

found in compliance. Mr. Tappert remarked that Mr. Kellner did not dispute the charges in the NOI. The LEC reached settlement with a \$250 civil penalty. It was moved and seconded to approve the settlement agreement with Mr. Kellner (Tappert/Newstetter). The motion passed unanimously.

2672 – Darren S. Harr

Mr. Tappert reported the LEC met in an informal conference with respondent Darren S. Harr, PLS, to discuss a Notice to Suspend Registration and to Assess a Civil Penalty of \$5,000 (NOI) for failing to cooperate with the Board regarding an audit of his CPD activities in violation of OAR 820-010-0605, OAR 820-010-0635(1),(5), OAR 820-020-0015(7),(8), OAR 820-020-0025(1), and ORS 672.200(4). Mr. Harr was sent two audit letters, but he failed to respond. A third letter sent to his Board-listed employer resulted in a response that he was no longer with the firm. A fourth letter was sent to a found home address by certified, return receipt and it was signed for by Mr. Harr. However, he did not respond to the request for documentation. Thereafter, a law enforcement case was opened and Mr. Harr subsequently failed to submit a response to the allegations. Once an investigator was able to speak with him, he admitted he had failed to comply with CPD requirements. Mr. Tappert noted that Mr. Harr had started a new company and had not prioritized attaining PDH units. However, he observed that Mr. Harr had regretted his decisions and that Mr. Harr had met current requirements. Nevertheless, Mr. Tappert pointed out that the LEC took seriously his failure to change his addresses³ and to respond to Board inquiries, both of which contributed to the suspension. The LEC reached settlement with a \$1,100 civil penalty and a 30-day suspension. It was moved and seconded to approve the settlement agreement with Mr. Harr (Tappert/Newstetter). The motion passed unanimously.

2680 – Paul H. Durand

Mr. Tappert reported the LEC held a teleconference with respondent Paul H. Durand, PE, to discuss a Notice to Suspend Registration and to Assess a Civil Penalty of \$4,000 (NOI) for failing to cooperate with the Board regarding an audit of his CPD activities in violation of OAR 820-010-0635(1),(5), OAR 820-020-0015(7),(8), OAR 820-020-0045(4), and ORS 672.200(4). Mr. Durand failed to respond to the first audit notice, but responded to the second notice with a list of the PDH units he had obtained. However, he failed to provide documentation. As a result, a third letter was sent to which he failed to respond. Mr. Durand then failed to respond to the Board investigator. During the investigation, it was found that Mr. Durand had been disciplined by the California Board for Professional Engineers, Land Surveyors, and Geologists and had failed to report it as required. Mr. Tappert emphasized that Mr. Durand was able to eventually submit compliant CPD documentation. However, the LEC issue then became his failure to report the California disciplinary action. The LEC reached settlement by a \$500 civil penalty and retirement of his registration without reinstatement.

Mr. Tappert then informed the Board that Mr. Durand did not sign the settlement because of his disagreement with statements in the Final Order Incorporating Settlement Agreement, which the

³ The Board can list a home address and business address. Both addresses will be used to contact a registrant. In addition, a registrant can indicate the address preferred for receiving Board notices.

Board would need to discuss. First, Mr. Durand took exception by striking “Final Order” from the document title “Final Order Incorporating Settlement Agreement” and by removing other references to “Order.” Second, he took exception to the document’s footer that included “Final Order.” Third, he questioned the Settlement Agreement statement, “*Durand agrees that the determination of any violation of this settlement agreement is entirely within the Board's discretion.*” Lastly, he wanted the signature line to include his registration titles of PE and SE.

AAG Tucker-Davis counseled the Board that they could respond with a “take it or leave it” decision, with a counter-offer, or with submission for a hearing request to the Office of Administrative Hearings (OAH). The Board discussed his first concern by observing that the Board President is authorized by a vote of the Board to sign both the Final Order and the Settlement Agreement. Once authorized, the Board President signs the Final Order as the Board’s legal acceptance of the Settlement Agreement and the Settlement Agreement, which already has the respondent’s signature to show their acceptance. More importantly, the form of the Final Order was set by the Attorney General’s office and could not be changed. This perspective also would apply to his concerns about the footers. Regarding his third concern, Settlement Agreement paragraph 11 included the statement because it is in every settlement agreement the Board enters as a means to address missed payments. The Board noted the statement was not included as a waiver of rights because Mr. Durand has rights of due process in the event of future violations. Therefore, the Board would retain the statement. On his last concern, the Board agreed to include his title designations.

AAG Tucker-Davis observed that Mr. Durand made a counter-offer and the Board has reached its own counter-offer. He needs time to consider his options. It was moved and seconded to accept the settlement agreement with the discussed change if he would sign it within 30-days (Tappert/Seward). The motion passed unanimously. Upon reconsideration, however, the Board reduced the days for review to 14. This timeline would allow the LEC to discuss next steps at its October 2011 meeting if Mr. Durand decides to not accept the settlement agreement.

Committee Meeting:

2564 – Charles C. Rowles / Anthony T. Rocci

Mr. Tappert reported the LEC discussed that complainant Anthony T. Rocci alleged that respondent Charles A. Rowles, PE, failed to follow accepted engineering standards when he prepared plans for an aircraft hangar. Upon investigation, it was found that Mr. Rowles designed plans in response to local authorities who explored cost-saving alternatives to a water-based fire protection system for the hangar, but the City returned to the original foam-based fire protection system. The complainant alleged that no one would reasonably even suggest such an alternative system. Mr. Tappert acknowledged that the LEC referred the case to professional reviewer Kenneth Fuglee, PE, especially qualified as a fire protection engineer, and his report provided the LEC information for final disposition of the case.

Mr. Tappert informed the Board that Mr. Rowles attended the LEC meeting and was able to clarify key points. For example, he noted Mr. Rowles was hired by the City of Madras to design a hangar for unfueled aircraft, which are used for dropping fire retardant. When the plans were at the 70-80% design level, the aircraft owner decided they would not defuel the planes. The decision was made to issue bid plans as-is and to subsequently issue a rebid package recognizing

fueled planes. Nevertheless, the bids came in over-budget and when combined with issues regarding contract matters the City determined to withdraw the request and to issue a rebid.

To explore if alternatives could be found to fit need to budget, decision-makers held a series of meetings and Mr. Rowles designed alternatives for discussion purposes. He added that the building code Alternatives Method and Materials criterion allows local jurisdictions to accept the design if they believe it complied. Mr. Rowles aided this policy process. Regardless, Mr. Rowles was not contracted as a fire suppression design engineer and was not responsible for the final design. It was the contractor's responsibility and the contractor submitted plans for a foam based system. The City found additional funding and the hanger was constructed.

Mr. Tappert also alluded to other matters, including issues regarding water flow. He recalled that Mr. Rowles stated he tried to determine water flow, but the data were not available for reasons outside his control. He added there were further discussions about the inadequacy of a water based system, but the LEC found that it was not Mr. Rowles' responsibility as a bidder-design. A motion to close the case as allegations unfounded was moved and seconded (Tappert/Doane). The motion passed unanimously.

2593 – John J. Delson / Nicholas C. Jasper

Mr. Tappert reported the LEC discussed that complainant Nicholas C. Jasper, PE, alleged that John J. Delson, PE, was not competent to design building structures and had plagiarized his drawings and construction notes. Mr. Jasper wrote that Mr. Delson designed a three bay, 2,500 sq. ft. pole building for the Oregon Department of Transportation (ODOT). He alleged over a dozen deficiencies on the plans, including no lateral analysis of the main building structure, no snow load analysis, and no analysis of the roof and wall diaphragms. The investigation found that the submitted documents were preliminary designs not intended for construction or for permitting. In addition, the local building jurisdiction provided Mr. Delson verbal design criteria during a telephone conference call with the general contractor since the site address was unknown at the time. Furthermore, ODOT would not accept preliminary plans and required that Mr. Delson seal and sign the plans. Mr. Delson subsequently visited the site and found that local conditions were not comparable to the design criteria, so he halted work and adjusted his designs. Mr. Tappert informed the Board that Mr. Delson sealed the design, but the contractor submitted the plans for permit review without his knowledge. The LEC found no negligence or incompetence in the design work. However, Board rules require that final plans be sealed and signed and that preliminary plans be marked as such. A motion to close the case with a letter of concern was moved and seconded (Tappert/Wahab). The motion passed unanimously.

2594 – Bradley J. Gabriel / Sharon Hart

Mr. Tappert reported the LEC discussed that complainant Sharon Hart alleged that respondent Bradley Gabriel, PLS, Director of Surveying Services for SFA Design Group, LLC, had failed to give proper notice when an SFA field crew entered upon and set monuments on her property while conducting a survey of an adjoining property. The investigation found that Mr. Gabriel sealed, signed, and submitted a Property Line Adjustment (PLA) to the Clackamas County Surveyor for filing on behalf of the Cutler property, which shares a common property line with the Hart property. Mr. Gabriel contended that the Cutler project began under the supervision of another professional land surveyor and prior to his employment with SFA Design. He assumed

that Hart was notified of surveying activities, but would accept responsibility for failing to provide notice. The investigation also revealed that Mr. Gabriel was no longer with SFA and had not updated his contact information with OSBEELS. Mr. Tappert observed that there is no time limit set in statutes or rules for how long right of entry notice is valid and it likely will be raised as an issue at a later date. Regardless, the LEC found no evidence that the notice had been issued. As a result, Mr. Tappert informed the Board that the LEC determined to issue a Notice of Intent to assess a \$2,000 civil penalty for failure to provide right of entry notice and for failure to update address in violation of ORS 672.047 and OAR 820-010-0605(1).

2615 – Andrew V. Goodell / OSBEELS

Mr. Tappert reported the LEC discussed that respondent Andrew Goodell, Registered Geologist (RG) and Certified Engineering Geologist (CEG), engaged in the unlicensed practice of engineering. Through his firm Holocene Engineering, LLC, and his Web site, Mr. Goodell offered to provide clients professional RG and CEG services with several activities that overlapped practices with a geo-technical engineer. Because of this, the Joint Compliance Committee (JCC), which was established by OSBEELS and the Oregon Board of Geologist Examiners (OSBGE) to discuss cases where there is an overlap in professional practices, had already reviewed a preliminary evaluation of the allegations. The OSBEELS members on the JCC found that the services Mr. Goodell offered were within the overlap area, but he had used the term “engineering” in the company name without employing a professional engineer. He was in violation of OAR 820-010-0720. The OSBGE members agreed to refer the matter to the LEC for final disposition. Mr. Tappert explained that when the LEC reviewed the matter, they agreed it was a violation for his use of “engineering” in his company name. The LEC recognized Mr. Goodell is a certified engineering geologist; however, he cannot lawfully use “engineer” because it is a protected title. If the name was Holocene Engineering Geology, LLC, or some other similar name, it would not be an issue because the name is accurate to his profession. The LEC determined further investigation with a report due at the October 2011 LEC meeting.

Default Final Orders:

Mr. Tappert reported the LEC discussed the following four respondents as individuals who will receive Default Final Orders because they failed to respond to their Notice of Intent regarding CPD compliance:

2632 – Kelly S. Dame / OSBEELS

Mr. Tappert reported the LEC discussed that respondent Kelly S. Dame, PE, was issued a Notice of Intent to Suspend Registration and Assess a Civil Penalty for failing to comply with CPD requirements. Given no response, the LEC determined to issue a Default Final Order with a 90-day suspension and a civil penalty of \$1,000.

2668 – Jeffery M. Bruce / OSBEELS

Mr. Tappert reported the LEC discussed that respondent Jeffery M. Bruce, PE, was issued a Notice of Intent to Suspend Registration and Assess a Civil Penalty for failing to comply with CPD requirements. Given no response, the LEC determined to issue a Default Final Order with a 90-day suspension and a civil penalty of \$1,000.

2682 – Paul E. Green / OSBEELS

Mr. Tappert reported the LEC discussed that respondent Paul E. Green, PE, was issued a Notice of Intent to Suspend Registration and Assess a Civil Penalty for failing to comply with CPD requirements. Given no response and the difficulty of communicating with Mr. Green during the investigation, the LEC determined to issue a Default Final Order with a 90-day suspension and a civil penalty of \$3,000.

2686 – Vince A. Roberts / OSBEELS

Mr. Tappert reported the LEC discussed that respondent Vince A. Roberts, PE, was issued a Notice of Intent to Assess a Civil Penalty for failing to comply with CPD requirements. Given no response, the LEC determined to issue a Default Final Order with a civil penalty of \$1,000.

New Business:

Preliminary Evaluations: April 2011 exam irregularities for Heitstuman, Zaher, Wirtz, and Lita

Mr. Tappert reported the LEC discussed examination irregularities that were revealed by the National Council of Examiners for Engineering and Surveying (NCEES) when they conducted statistical analyses of the April 2011 Oregon examinations. He observed that two sets of paired examinees were flagged by NCEES methods and it appeared as if one person of the pair copied their tablemate's answers. For example, he explained that if there was a large drop in the examinee's scores between the morning and afternoon sessions it tended to indicate that copying might have occurred during the morning session. The investigation found the pairs were separately given identical examination booklets for the morning session, but each person had chosen different subject matter for the afternoon exams. Consistent morning and afternoon exam scores show a more stable understanding of engineering principles.

Mr. Tappert continued that examinees Matthew Heitstuman and Mouhamad Zaher were tablemates as were Peter Wirtz and Daniel Lita. The LEC reviewed preliminary evaluations on each examinee and authorized opening cases against Mr. Zaher and Mr. Lita, while authorizing the release of examination results for Mr. Heitstuman and Mr. Wirtz. Results have not been released for Mr. Zaher and Mr. Lita.

Mr. Wilkinson reminded the Board that the LEC reviewed preliminary evaluations and that Mr. Zaher and Mr. Lita will have opportunities to explain what happened. Up to this point, the Board has received only their statements regarding the events of the day. They have not responded to the allegation of copying. More importantly, since the Board has not been through this process before, the LEC likely will have an informal conference with each examinee to discuss next steps. He also clarified that Mr. Heitstuman and Mr. Wirtz had fairly consistent exam scores for both the morning and afternoon sessions. However, Mr. Zaher and Mr. Lita had remarkably lower scores for the afternoon session than they did for the morning session. He expressed hope the investigation results can be reported during the October LEC meeting. Executive Secretary Mari Lopez added that the exam results for Mr. Heitstuman and Mr. Wirtz already have been issued because the LEC determined to not open investigations.

Preliminary Evaluation: David Long allegations against Jim Colton, PLS

Mr. Tappert reported that Mr. Wilkinson requested the LEC set aside the preliminary evaluation because David Long's attorney requested additional time to collect evidence regarding their concerns about forged or altered survey and deed documents. The LEC agreed.

Preliminary Evaluation: Michael Manwell allegations against G. Hardy Li, PE

Mr. Tappert reported the LEC reviewed a preliminary evaluation regarding allegations from Michael Manwell, PLS, that G. Hardy Li, PE, advertised on Craigslist for a surveyor and that he was hired, but was not paid for work he had done. The LEC determined that the matter was outside the Board's jurisdiction. Mr. Wilkinson pointed out that the Board at their last meeting heard similar allegations from Ruben Martinez regarding Mr. Li, with the same results.

Memorandum Review: Scott Mills comments regarding complaints against Redmond & Boyer

Mr. Tappert reported that the LEC reviewed a memorandum regarding the landslide initiated at the *Street of Dreams*. He noted that Scott Mills, PE, was the complainant in the original case #2515 and it was closed as allegations unfounded. Mr. Mills did not submit new evidence to warrant a review of the decision in case #2512 or offer concrete suggestions on improving the investigation. Furthermore, his concerns about case #2589 were moot because the case was closed as allegations unfounded on January 11, 2011.

Preliminary Evaluation: Survey Land Express

Mr. Tappert reported the LEC reviewed a preliminary evaluation of a referral from Dennis Jarrell, Administrator for the West Virginia Board of Professional Surveyors, regarding the Web site of Survey Land Express, LLC. He explained that Survey Land Express was "brokering" land surveying services out of Atlanta, GA, and unintentionally offered their professional services throughout the United States, including Oregon. He added that the Web site's owner Eugene Stepanov, PLS (GA), immediately removed any mention of surveying in other states. The LEC believed that since he was in compliance that opening a case was not warranted.

Settlement Agreements:

Mr. Tappert reported that the LEC reviewed the list of Cases Subject to Collections, Cases Subject to Monitoring, and Case Status Report. He offered no further comments.

However, Ms. Newstetter asked whether the CPD cases afforded an opportunity to hire an intern or trainee as someone to groom for investigating CPD cases. Ms. Lopez stated there is an open investigator position and she was proceeding to interview four persons later this month. Mr. Wilkinson added that each case is so unique given the specific circumstances that it would appear to offer good training parameters because the potential violations are managed within a few sections of statute and rule. However, the CPD cases as shown can lead to other violations. Mr. Tappert commented that there are eight pages of cases on the Case Status Report and the CPD cases are diminishing as a portion of the total.

Ms. Lopez agreed asserting that the Examinations & Qualifications Committee referred only two CPD cases for investigation. Board President Linscheid asked if staffs are working cases as they are queued without priority. Mr. Wilkinson replied that the LEC finished all the cases that the prior investigator had completed before he left. Now that his case load is finished, Mr.

Wilkinson expressed hope that investigators can get back to a steady pace and get caught-up with the older cases. There are priority cases that have come in and they will be handled as part of overall case management. He also commented that there had been discussions about issuing a “ticket” for CPD violations. However, this recent round of cases showed there are policy decisions that need to be made on each case by the LEC. Mr. Tappert emphasized that the LEC issued similar sanctions for similar infractions, but the circumstances of each case is so unique that mitigating factors often are not revealed until the informal conference. He added that the August LEC meeting went very well given the tight scheduling of informal conferences. Mr. Wilkinson informed the Board that he cleaned his inbox and the Board has 86 open cases, which is down from the triple digits of recent time. With the addition of a third investigator, cases can be cleared at a higher pace.

PROFESSIONAL PRACTICES COMMITTEE

In the absence of Ms. Newstetter, Mr. Doane reported that the PPC met on August 12, 2011, to discuss the matters contained in the Committee minutes. Additional discussion was held regarding the following matters:

Stamping Drawings for Exempt Structures

Mr. Doane briefly summarized Matthew VanderZanden’s concerns with the Washington County Building Department. The Board determined that Mr. VanderZanden followed proper procedure by sealing and signing only those documents of which he had control over. Staff will respond accordingly. As a result, the matter was referred to the R&R Committee for revising OAR 820-010-0622 – Modifying Designs or Documents Prepared by Another Professional Engineer.

Professional Practice in Forest Engineering

Mr. Doane presented a draft letter addressed to Marv Pyles, PE to the Board for review. During the August Committee meeting, Mr. Doane offered to continue the effort by drafting a response to the questions and hypothetical scenarios which were posed during the April 9, 2010 Committee meeting. After a lengthy discussion, the Board thanked him for his work and determined to refer the draft response back to the Committee for further proofreading. It was also noted that Chris Jarmer from the Oregon Forest Industry Council (OFIC) was in attendance as an interested party.

“ING” (Mexico) Designation Question

Mr. Doane explained to the Board that a request was made by Lee Cundiff, PE on behalf of Pedro Alzaga for an approval to utilize “P.E. (Mexico)” with Mr. Alzaga’s signature. In the request, Mr. Cundiff states, “*The translation of his professional registration would be best represented by “P.E. (Mexico)” since “ING” is the Spanish abbreviation of “Engineer”, and “(Mexico)” indicates that he licensed in Mexico, not in the United States.*” After a lengthy discussion, it was moved and seconded (Doane/Tappert) to permit Mr. Alzaga to utilize “P.E. (Mexico)” with his signature, so long as Mr. Alzaga remains current with his registration in Mexico and under Mr. Cundiff’s responsible charge. The motion passed with one opposition (Newstetter). As a result, the matter was referred to the R&R Committee for revising OAR 820-010-0510 – Registrants of Certificate Holders Qualified to Practice.

National Utility Contractors Association (NUCA) Meeting Speaking Opportunity

After a brief discussion, Mr. Doane will follow-up for further details with Melinda Dailey, Executive Director for NUCA.

STANDARDS OF LAND SURVEYING PRACTICES COMMITTEE

President Linscheid reported that the Standards of Land Surveying Practices Committee met on August 12, 2011 to discuss the matters contained in the Committee minutes. There was no further discussion.

RULES AND REGULATIONS COMMITTEE

In the absence of Mr. Seward, Mr. Tappert reported that the R&R Committee met on August 12, 2011, to discuss the matters contained in the Committee minutes. Additional discussion was held regarding the following matters:

OAR 820-010-0204, OAR 820-010-0206 and OAR 820-010-0208 – Applications for Registration

It was moved and seconded (Tappert/Seward) to approve the rulemaking process to amend OAR 820-010-0204, OAR 820-010-0206 and OAR 820-010-0208 as presented. The motion passed unanimously.

OAR 820-010-0442 – Application Deadlines

It was moved and seconded (Tappert/Seward) to approve the rulemaking process to amend OAR 820-010-0442 as presented. The motion passed unanimously.

ADJOURN

The meeting was adjourned at 1:15 p.m.

NEXT MEETINGS

Next Board Meeting:

November 8, 2011

Next Committee Meetings:

LAW ENFORCEMENT:

Thursday, October 13th at 8:00 a.m.

Standards of Land Surveying Practices:

Thursday, October 13th at 12:00 p.m.

RULES & REGULATIONS:

Friday, October 14th at 9:00 a.m.

EXAMINATIONS & QUALIFICATIONS:

Friday, October 14th at 10:00 a.m.

FINANCE:

Friday, October 14th at 11:00 a.m.

EXTERNAL RELATIONS:

Friday, October 14th at 11:30 a.m.

PROFESSIONAL PRACTICES:

Friday, October 14th at 1:00 p.m.