



Oregon

State Board of Examiners for
Engineering & Land Surveying
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Minutes of Meeting
November 10, 2009

CALL TO ORDER

President Davis 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:

Grant Davis
Edward Butts
Mari Kramer
Sue Laszlo
Dan Linscheid
Sue Newstetter
John Seward
Carl Tappert
Ken Hoffine (excused absence)
Amin Wahab (excused absence)

Visitors Present:

Luay Esho
Eric Smith, Department of Revenue
Michael Hardy, PE, Professional Engineers of Oregon Liaison

Others Present:

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

APPROVAL OF AGENDA

Ms. Laszlo requested to include the discussion of the Executive Secretary Annual Evaluation and the NCEES Contract under the New Business portion of the Agenda. Mr. Butts requested to add the letter received from Bob Neathamer under the Examinations and Qualifications portion of the Agenda and to discuss Luay Esho's circumstance before the Examinations and Qualifications portion of the meeting. It was moved and seconded (Laszlo/Tappert) to approve the agenda as amended. The motion passed unanimously.

President Davis requested Mr. Esho to update the full Board on the circumstances surrounding

his application for registration as a professional engineer by comity. Mr. Esho initially applied by comity to obtain a registration as a professional engineer in the State of Oregon since September 2008. The Examinations and Qualifications Committee denied his application because Mr. Esho provided the Board with a document showing the different states in which he is registered and how he obtained his registrations. He further explained the circumstances in Iraq, along with information from the CPEES Web site, which have prohibited him from obtaining a course-by-course evaluation. Mr. Esho also noted that the Nebraska Board completed an analysis of his education prior to awarding his registration in the State of Nebraska. He clarified for the Board that he has successfully completed the Fundamentals of Engineering and the Professional Engineering examinations. In addition to his education, Mr. Esho is unable to submit the required references to verify his experience due to their location and his experience gained in Iraq. Staff stated that Mr. Esho would currently need 3 years and 8 months to qualify without an evaluation of his education obtained. Although the Examinations and Qualifications Committee requested consideration by the Board, it was noted that a making a final decision during the meeting would be unlikely. Consideration was also given to making an exception to the current rules and subsequently revising the rule with a retroactive effective date. AAG Tucker-Davis provided brief advice weighing the option of revising the rule and setting precedence. After a lengthy discussion, it was moved and seconded (Linscheid/Kramer) to uphold the denial by the Examinations and Qualifications Committee. The motion passed (favor - Davis/Laszlo/Linscheid/Kramer/Seward). It was then moved and seconded (Laszlo/Linscheid) for the Rules and Regulations Committee to further analyze the rules as currently written. The motion passed unanimously. Therefore, the Rules and Regulations Committee will further discuss the rules and circumstances similar to Mr. Esho and applicants with communication difficulties with other countries.

APPROVAL OF MINUTES

It was moved and seconded (Laszlo/Kramer) to approve the minutes of the September 8, 2009 Board Meeting as amended. The motion passed unanimously.

PUBLIC INPUT

President Davis welcomed guest Eric Smith. Ms. Lopez noted that his attendance is due to a topic contained in her Executive Secretary's Report and therefore, moved to the next Agenda item.

EXECUTIVE SECRETARY'S REPORT

HB3082

Ms. Lopez briefly stated that OSBEELS has been requested by the Oregon Department of Revenue to participate in a pilot project that requires, as a condition of issuance or renewal of a license, licensees to demonstrate compliance with personal income tax laws of this state, including the withholding laws in ORS 316.162 to 316.221, the corporate excise or income tax laws of this state, and the provisions of ORS 323.005 to 323.482 or 323.500 to 323.645. Eric D. Smith, Bend District Office Manager of the Oregon Department of Revenue, explained to the Board the purpose of the project as a result of 2009 Enrolled House Bill (HB) 3082. At this time, he noted that this is the preliminary field work being conducted to ensure a successful outcome. Currently, he is also working with the Mortuary and Cemetery Board and the Landscape Contractors Board. He also stated that education on tax compliance is an important

part of this pilot project as well. AAG Tucker-Davis noted that this is considered an advance collection tool for the Department of Revenue. Ms. Lopez also informed the Board that this would be similar to the current relationship with the Department of Justice Child Support Division. A question was asked about the delinquent fee assessed. AAG Tucker-Davis noted that additional consideration would need to be taken due to the hearing rights still preserved. If the Board chooses to participate in any level of this pilot project, information would need to be distributed to its registrants. Mr. Smith volunteered to submit an article for the *Oregon Examiner*. It was moved and seconded (Tappert/Butts) that the Board does not participate in the enforcement portion of the pilot program. The motion did not pass (favor - Davis/Tappert/Butts; opposed - Laszlo/Linscheid/Seward/Kramer/Newstetter). It was then moved and seconded (Laszlo/Kramer) for the Board to participate in the full pilot program. The motion passed (favor - Laszlo/Linscheid/Seward/Kramer/Newstetter; opposed – Davis/ Tappert/Butts). Ms. Laszlo further inquired if the Board could revisit the participation in the pilot program if the impact on the Board staff is significant. Mr. Smith stated that Elizabeth Harchenko, Director, Department of Revenue has yet to determine the final Board to cooperate in the program. After additional discussion, Ms. Lopez will continue to work with Mr. Smith in the Board’s participation in the pilot project.

Committee Activities

Ms. Lopez continued with her report and noted 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 October and the Committee minutes were included in the packets. In addition, the Standards of Land Surveying Practices Committee met on October 8, 2009.

Administrative Activities

October 2009 Examination Administration

Ms. Lopez reported that the Fall examinations took place at the Lane County Fairgrounds in Eugene on October 23– 24, 2009. On behalf of the Board, President Davis was the supervising proctor for the Washington Structural III examination and Bob Neathamer was the supervising proctor for the four-hour Oregon Specific Land Surveying examination. Staff members present to assist with the examinations were Jenn Gilbert, Matt Bryan, Jennifer Carmack, and Amanda Sloan.

She further reported that there were 17 Fundamentals of Engineering (FE) examination examinees, 1 Fundamentals of Land Surveying (FLS) examination examinee, 7 Professional Engineering (PE) examination examinees, and 1 Professional Land Surveying (PLS) examination examinee considered as “No Shows” for the NCEES administered exams. Excluding the U.S. Military examination administration in Japan, the numbers of “No Shows” for the Oregon Specific examination are as follows: 3 examinees for the 4-hour Oregon Specific Land Surveying examination and 2 examinees for the Washington Structural III examination.

SIBA

Ms. Lopez reported that she, along with Ms. Gilbert, attended a meeting of the Semi-Independent Board Administrators (SIBA) on September 15, 2009. Matters discussed relevant to the Board were: audit questions and answers, Public Employees’ Benefit Board (PEBB) Open Enrollment,

and Government Relations Contract. The discussion of Government Relations Contract included final Board Administrator signatures, overall game plan, and designation of a SIBA point-person to work with Stephen Kafoury. She noted that Jim Heider, Executive Director, Physical Therapist Licensing Board was appointed as this individual.

Governor's Plan to Restructure State Government

Ms. Lopez updated the Board members on the recent activities of the professional associations' expanded efforts to support the Semi-Independent status of OSBEELS. She provided the following as a timeline of events that occurred since the September Board meeting:

September 2009

- Professional Land Surveyors of Oregon (PLSO) hires Lobbyist Fred VanNatta to assist with Stephen Kafoury in opposing the Governor's plan to restructure OSBEELS and other Semi-Independent Boards.
- PLSO develops a fact sheet on Semi-Independent Boards and sends it to all its members.
- PLSO's Legislative Chair writes to the State Legislative Committee in opposition of the elimination of Semi-Independent status for OSBEELS.
- Professional Engineers of Oregon (PEO) sends an electronic newsletter to over 300 members informing them about the Governor's plan of eliminating the Semi-Independent status for OSBEELS and to take action in opposing the plan.

October 2009

- Lobbyists from associations of the Semi-Independent Boards meet to discuss the Governor's "Reset Cabinet," and collectively send a letter to the Governor announcing their concern that this cabinet will meet without allowing public to attend or comment.
- PEO leads and coordinates a meeting to discuss a plan. PEO invites to the group Stephen Kafoury, OSBEELS, PLSO, American Council of Engineering Companies (ACEC), Oregon Board of Architects (OBAE), American Institute of Architects (AIA), Oregon Landscape Architect Board (OSLAB), and the American Society of Landscape Architects (ASLA) for a teleconference meeting.
- Cindy Roberts, Lobbyist for AIA shares with the group a 1997 Department of Administrative Services (DAS) Management study on Regulated Professional Occupations.
- OSBEELS provides a summary of critical services and financial report to PEO to incorporate into a position letter on behalf of the associations. This letter was drafted by Dennis Hickman, PE, PEO Legislative Chair.
- The SW Chapter of PEO meets with PLSO and Representative Arnie Roblan. Board member Ken Hoffine, Past Board Member Ron Stuntzner, and Fred VanNatta attended the meeting.
- PEO leads and coordinates a second meeting to review a draft position letter. The position letter is tabled at this time for possible submission at a more appropriate time.
- Cindy Roberts drafts a one page letter of opposition for review by the group.

There was no further discussion.

2007-2009 Biennial Audits

Ms. Lopez reported that a meeting was held between her, Ms. Gilbert and Sandy Childress, CPA

of CTC Associates on October 28 and November 3, 2009, for assistance in preparing all adjustments needed to the OSBEELS financials for the biennium ended June 30, 2009 in preparation for the Board's audit. Due to adjustments requested by the Board in tracking financials and reorganizing the chart of accounts, the 2007-2009 financials are contained in two separate company files. The two separate company files are contained in QuickBooks 2002 and 2008.

Additionally, Moss Adams, LLP of Eugene conducted their field work for the audit of the Board on November 4-5th.

Board Vacancies

Ms. Lopez briefly noted that the Board has yet to fill the engineer position that was vacated by George Gross and no replacement has been found for Sue Laszlo's position.

Staffing

Additionally, she noted that the position Ms. Meyer resigned from in April 2009 has yet to be filled.

NCEES Contract

Ms. Lopez turned the discussion over to AAG Julie Penry. **President Davis took the Board into Executive Session as provided by ORS 192.660(2)(f) to consider information or records that are exempt by law from public inspection.**

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

AAG Penry noted that the E&Q Committee discussed the draft during the last meeting and no additional comments were provided. Ms. Lopez also stated her comfort level with the revisions to the contract. After a brief discussion, it was moved and seconded (Kramer/Seward) to move forward with the agreement and submit to NCEES. The motion passed unanimously.

PRESIDENT'S REPORT

President Davis briefly reported on the success of the October 2009 examination administration and noted the good representation of the Board. He further applauded Ms. Lopez on her work regarding the Governor's restructuring plan. There was also a brief conversation regarding the Governor's plan.

EXAMINATIONS AND QUALIFICATIONS COMMITTEE

Mr. Butts reported that the E&Q Committee met on October 9, 2009 to discuss the matters contained in the Committee minutes. Additional discussion was held by the Board regarding the following matters:

Wei Wang

The members further discussed the application from Wei Wang. Mr. Wang submitted an application by comity for registration as a professional engineer. However, the course-by-course evaluation submitted verified that his foreign degree does not fulfill the requirements stated in

Oregon Administrative Rule (OAR) 820-010-0225. As a result, the Committee determined that Mr. Wang would need his Master's Degree from Boise State evaluated for additional consideration by the Committee. Mr. Wang also submitted a letter to the Board regarding his attempt to complete the evaluation of his Master's Degree. Mr. Wang was informed that graduate level courses are not included in an evaluation. Staff confirmed by email with Ms. Eva-Angela Adan, Director NCEES Credentials Evaluations, that NCEES was unable to complete the evaluation for Mr. Wang. However, Ms. Adan provided information for the Board to consider. After review and additional discussion, the Board determined to include Mr. Wang's name on the list of applicants for registration by comity.

Neathamer Letter

The Board reviewed a letter submitted by Mr. Bob Neathamer regarding the October 2009 Oregon Specific Land Surveying examination and administration. Mr. Neathamer gave compliments to the Board staff for a job well done in preparing and administering the examinations. Additionally, he reported that of the 26 individuals that attend the examination, 9 obtained a passing score of 70 points or greater. He further noted that, pursuant to OAR 820-010-0470, 3 examinees may review their examination. There was no further discussion.

Registration

Comity Applications – Mr. Butts directed the members' attention to the list of 92 professional engineer applicants for registration by comity. It was moved and seconded (Butts/Laszlo) to approve the list of 92 professional engineer applicants as presented. The motion passed unanimously.

1st Registration Applications – Mr. Butts directed the members' attention to the 13 applicants seeking 1st registration. It was moved and seconded (Butts/Laszlo) to approve the 13 applicants as presented. The motion passed unanimously.

Prior Practice Applications – Mr. Butts directed the members' attention to the 16 applicants seeking Geotechnical registration by prior practice. It was moved and seconded (Butts/Laszlo) to approve the 16 applicants as presented. The motion passed unanimously.

EXTERNAL RELATIONS COMMITTEE

Ms. Kramer reported that the ERC met on October 9, 2009, to discuss the matters as contained in the Committee minutes. Additional discussion was held by the Board regarding the following matters:

Forms

Ms. Kramer directed the members' attention to the Request for Inactive Status form. With a few minor revisions, it was moved and seconded (Kramer/Laszlo) to approve the form. The motion passed unanimously.

Ms. Kramer directed the members' attention to Request for Reinstatement form. Mr. Seward suggested breaking down Step 1 of the General Instructions to 3 additional steps for clarity. After a brief discussion, it was moved and seconded (Kramer/Laszlo) to approve the Request for Reinstatement form. The motion passed unanimously.

FINANCE COMMITTEE

Mr. Tappert reported that the Finance Committee met on October 9, 2009, to discuss the matters as contained in the Committee minutes. There was no further discussion. However, discussion was held by the Board regarding certificates of deposit (CDs).

The Committee reviewed an email from AAG Tucker-Davis regarding the legality of the Board using CDs. Mr. Tappert reported that in accordance with ORS 182.470(2)(a), the Board is authorized to make investments. He further reported that the Committee recommends investing a total of \$400,000 in different CDs on a rolling 3-month schedule. After discussion, it was moved and seconded (Tappert/Linscheid) to authorize staff to invest \$400,000 as recommended, and with final approval by the Finance Committee. The motion passed unanimously.

Finance Reports

Members reviewed the Statement of Net Assets (Balance Sheet), Statement of Activities (Profit and Loss Statement), Profit and Loss Budget Overview, and Income and Expense graphs for the period of July 1, 2009 through October 30, 2009. This time period reflects the latest data received in bank statements for the 2009 – 2011 biennium. There was no further discussion.

LAW ENFORCEMENT COMMITTEE

Mr. Linscheid reported that the LEC met on October 8, 2009, to discuss the following matters:

2494 – Thomas Swart

Mr. Linscheid reported that the Committee was scheduled to meet in an informal conference with the respondent, Thomas Swart, PLS, to discuss a Notice of Intent to Revoke Registration and Assess a Civil Penalty of \$16,500 for violations of ORS 672.200(2),(4); ORS 672.025(1),(2); ORS 672.045(1),(4),(6); ORS 209.250(1),(3),(4); OAR 820-010-0605; OAR 820-010-0620(1),(4); OAR 820-010-0621(1),(2); OAR 820-020-0015(9),(10); OAR 820-020-0020(1),(2); OAR 820-020-0025(1); OAR 820-030-0060; and OAR 820-030-0070. However, Mr. Swart called the day before the informal conference to inform the Board that he was unable to attend due to health issues. Mr. Linscheid continued that this case caused the Oregon Association of County Engineers and Surveyors (OACES) to write a letter to the Board about prioritizing certain law enforcement cases like Mr. Swart's case over other cases, including those involving violations of continuing professional development (CPD) requirements.

In response to a question about whether this was a stall tactic, Mr. Linscheid commented that the Committee discussed issuing a Default Final Order, or seeking an emergency suspension. Neither was appropriate for these circumstances. He added that AAG Tucker-Davis had explained other options such as scheduling another informal conference, scheduling a hearing with the Office of Administrative Hearings (OAH) and offering Mr. Swart another informal conference, or not scheduling a hearing and litigating over Mr. Swart failing to submit a written request for a hearing as per the NOI. Given these options, the Committee determined to schedule the OAH hearing. Board Investigator McCartt informed the Board that the hearing has been scheduled on January 26, 2010. He was aware that Mr. Swart has been contacted by the office of AAG Katharine Lozano who is handling the case.

2465 – Richard Montgomery

Mr. Linscheid reported that the Committee met with respondent, Richard Montgomery, PLS, and his attorney Wesley Hill in an informal conference to discuss a Notice of Intent to Revoke Registration and Assess a \$2,000 Civil Penalty for negligence or incompetence violating ORS 672.200(2), OAR 820-020-0015(1),(2), and OAR 820-020-0025(1). Mr. Linscheid noted that Mr. Hill spoke on behalf of Mr. Montgomery and no settlement agreement was reached. Another Board member observed that the discussion with Mr. Hill regarding the standard of practice was interesting, especially given that it did not result in a settlement.

Mr. Linscheid also reported that Mr. Hill submitted a settlement offer after the informal conference. As a result, the Committee held a special meeting on October 30, 2009, to discuss the matter and determined the following counteroffer: 1) Mr. Montgomery would not renew his registration on December 31, 2010, and would agree not to seek relicensure; (2) Mr. Montgomery would admit to negligence, but not the untruthful allegations; 3) Mr. Montgomery would agree not to take on any new work; 4) Mr. Montgomery would supply the Board with a list of his current clients (date TBD); 5) Mr. Montgomery would provide a second list of his clients, updates, and a statement that he has taken on no new clients (due December 1, 2010); and 6) If the Board finds that he has taken on additional work during that time period or afterwards, his registration will be revoked and he would owe the \$2,000 civil penalty. The Committee also authorized Mr. Linscheid and AAG Tucker-Davis to negotiate with Mr. Hill. AAG Tucker-Davis reported that the counteroffer was communicated to Mr. Hill, but no response has been forthcoming.

Ms. Lopez stated that the offer by Mr. Hill for “non-renewal” of Mr. Montgomery’s current surveyor’s registration does not fit with any registration status currently offered to registrants. If accepted as “non-renewal,” Mr. Montgomery would be accumulating delinquent fees for the next five years until his record is purged. Mr. Linscheid replied that was not the intent, but to retire his registration. Because a settlement was still being negotiated, there was time to clarify the registration status to retirement.

Further discussion revealed that some Committee members mistakenly believed Mr. Montgomery would retire his registration on December 31, 2009, rather than on December 31, 2010, which is his date of renewal. However, the Committee would accept the settlement offer with the conditions outlined in the counteroffer. Other Committee members noted that resources spent on a revocation hearing would likely result in an end-of-year decision, so it seemed reasonable in light of resource demands to accept the 2010 date to retire his registration. If the counteroffer is unacceptable, then the Board can proceed to the hearing.

In response to a question about changes to the hearing standards, AAG Tucker-Davis explained that under new guidelines the judge decides historical facts and conclusions of law. The judge would issue a proposed order. The Board could change the conclusions of law if, for example, the judge misinterpreted a rule, but a change to the historical facts would require showing that the judge got the facts wrong. As a result, the standard of clear and convincing evidence increased. Regardless of the status of settlement negotiations, the Board determined that Mr. Montgomery would need to make a final decision on the counteroffer by November 17, 2009.

2332 – Maurice Farr

Mr. Linscheid reported that the Committee met with respondent, Maurice Farr, PE, PLS, CWRE, to discuss a Notice of Intent to Revoke Registration for negligent engineering violating ORS 672.200(2) and OAR 820-020-0015(2). The negligent design work was for a grandstand cover at Glide High School.

Mr. Linscheid continued that the Committee offered Mr. Farr a settlement to retire his registration, but he would need to admit to the allegations and he could not reapply for a professional engineering registration. His PLS and CWRE registrations were not affected. However, Mr. Farr rejected the offer. As a result, the Committee determined to refer the case to OAH. AAG Tucker-Davis added that the case is scheduled for a pre-hearing conference on January 5, 2010. She explained that the purpose of the pre-hearing conference is to schedule the date of the hearing and to discuss any legal matters that have arisen. She added that the Committee identified a professional reviewer for the case, Brandon Erickson, SE.

2487 – Lawrence Hansen

Mr. Linscheid reported that the Committee met with the respondent, Lawrence Hansen, PE, to discuss a Notice of Intent to Assess a \$1,000 Civil Penalty for the unlicensed practice of engineering violating ORS 672.007(1)(a) and ORS 672.045(2). Mr. Hansen co-authored a report he signed as a “Senior Geotechnical Engineer.” However, he was not registered to practice in Oregon. The report, which was mistakenly sent to the Board, was an investigation of deep cracks in a cul-de-sac’s asphalt and the “significant gaps” between the curb and gutters. Mr. Hansen flew from Arizona to attend the informal conference, was cooperative during the investigation, and had changed his title to avoid future problems. As a result, the Committee reduced the civil penalty to \$250. It was moved and seconded (Linscheid/Laszlo) to recommend the Board President to sign the Hansen settlement agreement. The motion passed unanimously.

2496 – Robert Demers / Harvey Christensen

Mr. Linscheid reported that the Committee reviewed two anonymous complaints and a complaint filed by Harvey Christensen, PLS, regarding the respondent, Robert Demers of Columbia Northwest Enterprises, LLC (CNWE). The complainants alleged that the respondent advertised for and offered to perform land surveying services in a company brochure sent to local land surveyors without employing a licensed professional land surveyor. The Committee also reviewed whether a postcard Mr. Demers sent to the public regarding him preparing flood certificates was a violation. The investigation also revealed that Mr. Demers was offering land surveying services on the CNWE Web site, including “partitions, subdivisions, and lot line adjustments.” Lastly, Demers’ Web site contained an unsigned partition plat by Robert Skinner, PLS. The Committee believed that Mr. Demers was expanding his business by contracting services with Mr. Skinner.

The Committee determined to issue Mr. Demers a Notice of Intent to Assess a \$3,000 civil penalty for the unlicensed practice of land surveying violating ORS 672.025, ORS 672.045, and OAR 820-010-0720. In addition, the Committee directed that a law enforcement case be opened against Mr. Skinner for violations of ORS 672.025; OAR 820-010-0620(4); OAR 820-010-0621(1); OAR 820-020-0015(8),(9),(10); OAR 820-020-0030(2); and OAR 820-020-0035(3).

2497 – Kenneth Pannell / OSBEELS

Mr. Linscheid reported that the Committee reviewed a Board initiated complaint that a business card distributed by Kenneth Pannell, LSI, was done so without him employing a licensed professional land surveyor. Mr. Pannell issued cards that showed a Terra-Calc, LLC, business name and listed as one of Terra-Calc's services "surveying/site work estimating." Since Mr. Pannell was an LSI, he alone could not offer the services. The investigation found that Mr. Pannell employed two part-time professional land surveyors and retained a third by contract. As a result, the Committee found that Mr. Pannell had a surveyor on staff during a time of tight market demands. It was moved and seconded (Linscheid/Laszlo) to close the case as allegations unfounded. The motion passed unanimously.

2498 – Gary Hickman / Robert Hovden

Mr. Linscheid reported that the Committee reviewed a complaint filed by Multnomah County Surveyor Robert Hovden, PLS, against respondent, Gary Hickman, PLS, alleging that he failed to return a corrected map of survey within 30 days. Mr. Hickman submitted for review a record of survey for a proposed subdivision plat. After its second review, the record of survey was returned to Mr. Hickman for final corrections, but Mr. Hickman failed to return it for filing. The investigation revealed that Mr. Hickman submitted both a subdivision plat and a record of survey for the same property at the same time. Redlines were separately returned. The plat became an involved process and Mr. Hickman believed he had made corrections to the record of survey and had submitted it for filing when it was the plat that was going through a number of reviews and corrections. Mr. Hickman thought the reminders he had received were for the plat and had not corrected the record of survey for filing.

Upon discussion, the Committee determined to issue Mr. Hickman a Notice of Intent to Assess a \$2,000 Civil Penalty for failing to return a corrected map of survey within 30 days violating ORS 209.250(1) and ORS 209.250(4)(b).

2499 – George Cathey / Robert Hovden

Mr. Linscheid reported that the Committee reviewed a complaint filed by Multnomah County Surveyor Robert Hovden, PLS, alleging that respondent, George Cathey, PLS, failed to return a corrected map of survey within 30 days. A separate complaint was received from Marion County Surveyor Mark Riggins, PLS, alleging that Mr. Cathey failed to return a corrected map of survey within 30 days and failed to record a survey within 45 days of setting monuments.

When Board investigators evaluated the records of survey, multiple violations of ORS 209.250(3) were found, including incomplete descriptions of monuments, incomplete narratives, and basis of bearing not explained. These types of violations were on top of the failure to file corrected maps within 30 days. Furthermore, Mr. Cathey failed to notify the Board of his change of address. As a result, the Committee determined to issue Mr. Cathey a Notice of Intent to Revoke Registration and Assess a \$6,000 Civil Penalty for negligence or incompetence violating ORS 209.250(1),(2),(3),(4)(b); ORS 672.200(2),(4); OAR 820-010-0605; OAR 820-020-0015(2); and OAR 820-030-0060.

2500 – Linda Hill / Robert Butler

Mr. Linscheid reported that the Committee reviewed a complaint from Robert Butler, PLS,

alleging that the respondent, Linda Hill, Union County Assessor, required him to change his plat on two occasions when it did not agree with the Union County tax map. Mr. Butler prepared three versions of the plat that Ms. Hill reviewed. During the review processes, Ms. Hill contacted the title insurance company and had them change their title report. With the updated title report, the plat was in harmony with the underlying tax rolls. Mr. Butler alleged that Ms. Hill was not qualified to practice land surveying when she exercised her tax assessor authority by dictating where a property boundary goes and by how a Surveyor's Certificate is written. Because the Committee had previously discussed the allegations and had unresolved questions, the Committee determined that AAG Tucker-Davis would provide a written opinion to the Committee on whether the changes Hill required constituted the practice of land surveying. The opinion would be discussed at the next Committee meeting in December.

2501 – Lawrence Anderson / OSBEELS

Mr. Linscheid reported that the Committee reviewed a Board initiated complaint that the respondent, Lawrence Anderson, PE, was practicing land surveying without registration. Mr. Linscheid informed the Board that he knew Mr. Anderson. He added that Mr. Anderson attended the Committee meeting and a discussion ensued regarding the staff recommendation to assess Mr. Anderson a \$5,000 civil penalty for the unlicensed practice of land surveying. Mr. Anderson had explained to the Committee that when he worked for the City of Newberg they paid for renewals of his professional registrations, including PE, PLS, and CWRE. At some point in 1998, the City paid for his PE renewal, but not his PLS and CWRE registration renewals. As a result, both registrations became delinquent.

Mr. Linscheid continued that when Mr. Anderson retired from the City of Newberg and started his own business Mr. Anderson began to file records of survey, which is when Mr. Anderson discovered that he was no longer licensed. He hired another surveyor to take over that portion of his business. Mr. Linscheid added that the Committee accepted Mr. Anderson's contention that he kept current his continuing professional development (CPD) requirements believing his PLS registration was active. Based on this contention, the Committee offered to waive the civil penalty if he would admit to the violations, agree not to practice without registration, and provide proof of his professional development hours (PDH) by November 10, 2009.

In response to a question about why Mr. Anderson maintained his CPD's when he was not registered, Mr. Linscheid responded that Mr. Anderson believed he was a registered PLS and therefore maintained his CPD's. The Committee accepted that by maintaining his CPD's Mr. Anderson acted in good faith and intention, but nevertheless had engaged in the unlicensed practice of land surveying. That was the reasoning for requesting evidence of his PDH prior to approving a settlement. While the Committee recommended approval of a settlement, nothing was received in the office. The matter was referred back to the Committee for further discussion.

2506 – Melvin Dittmer / Carol McKibben

Mr. Linscheid reported that the Committee reviewed a complaint filed by Carol McKibben, Secretary and Treasurer of the Hawn Creek District Improvement Company (HCDIC), alleging that the respondent, Melvin Dittmer, PE (Retired), engaged in the unlicensed practice of engineering by performing work on the Hawn Creek Reservoir Dam and its properties. Mr. Dittmer was a member of HCDIC due to his irrigation rights and he wrote a letter to the HCDIC

membership expressing concerns over the lack of maintenance, record keeping, and State inspections. In a letter to the HCDIC membership, he signed it as “Mel Dittmer, Civil Engineer & HCDIC member.” In a cross complaint, Mr. Dittmer complained that the complainant’s spouse, Lynn McKibben, PE, was practicing outside his area of expertise when he inspected the dam and prepared a report stating that the dam was in “very good condition.”

The Committee discussion revealed that Mr. Dittmer prepared his reports for HCDIC membership. In addition, he used the title internal to the HCDIC and his recommendations were based on an Oregon Water Resources Department (WRD) inspection report. The Committee determined that Mr. Dittmer fell under the industrial exception of ORS 672.060(5). However, a Board member inquired if Mr. Dittmer had offered any original engineering work. It was explained that Mr. Dittmer had not because his recommendations were based on the WRD inspection report. The Board member asserted that Mr. Dittmer did not practice engineering. Upon discussion, the Board agreed that the industrial exception would not apply. Furthermore, Mr. Dittmer provided no evidence that Mr. McKibben had practiced outside his area of expertise. It was moved and seconded (Linscheid/Tappert) to close the case against Mr. Dittmer as allegations unfounded. The motion passed unanimously.

2507 – Walt Jaquith / Albert Duble

Mr. Linscheid reported that the Committee reviewed a complaint filed by Albert G. Duble, PE (retired), alleging that respondent, Walt Jaquith was practicing acoustical engineering without a license. Mr. Jaquith was featured in a *Newberg Graphic* article for his work with a local church to help them improve the sound of their music during worship services. The investigation found that his work involved suggesting that the church move some existing acoustic panels and constructing homemade panels based on a design he found on the internet. It was moved and seconded (Linscheid/Tappert) to close the case as allegations unfounded. The motion passed unanimously.

2508 – Zubair Sheikh / Christine Anderson

Mr. Linscheid reported that the Committee reviewed a complaint filed by Christine Anderson alleging that Zubair Sheikh, PE, of HSA Consulting, Inc., demonstrated unprofessional conduct by failing to correct errors in calculations and by signing calculations required to be signed by a structural engineer when he is not a structural engineer. The investigation revealed that Mr. Sheikh prepared a Seismic Analysis Report for a Tualatin Valley Water District Pump Station. Anderson’s client rejected the report, primarily because Mr. Sheikh used the Uniform Building Code (UBC) as opposed to using the International Building Code (IBC). Mr. Sheikh provided the corrections when Anderson filed her complaint with OSBEELS. The investigation also found that Mr. Sheikh had used a non-compliant seal. When Board investigators requested him to submit a compliant version, he failed to provide an example.

Mr. Linscheid stated the Committee determined that the Anderson allegations were contract related and outside the Board’s jurisdiction. However, Mr. Sheikh failed to cooperate with the Board regarding his non-compliant seal. The Committee determined to issue Mr. Sheikh a Notice of Intent to Assess a \$2,000 Civil Penalty for violations of OAR 820-010-0620 and OAR 820-020-0015(8).

2509 – Tim Bogan / James Pallo

Mr. Linscheid reported that the complainant J. Garrett Pallo, PE, of HBH Consulting Engineers, Inc, alleged that Tim Bogan, President of Romtec Utilities, Inc, and Romtec, Inc, did not employ a registered engineer and engaged in the unlicensed practice of engineering. The investigation found that Mr. Bogan offered engineering through his firm's packaged pump stations that are integrated into site specific plans done by firms with registrants. Romtec expected the other firm's registrants to seal and sign their designs. Romtec Utilities also offered to provide a second engineering opinion and engineering calculations to the Tri-City Water & Sanitary Authority of Myrtle Creek, Oregon. Finally, Romtec offered pump station designs that included facility, parking, electrical, and other infrastructure designs.

The Committee determined to issue Mr. Bogan a Notice of Intent to Assess a \$5,000 Civil Penalty for the unlicensed practice of engineering violating ORS 672.020 and OAR 820-010-0720.

2510 – Christopher Uber / Kurt Kristensen

Mr. Linscheid reported that complainants Kurt Kristensen and Robert and Kathleen Newcomb alleged that the respondent, Christopher H. Uber, PE, violated OAR 820-020-0035(2) when he contributed \$1,000 to a political action committee supporting a ballot measure to allow the City of Sherwood to use the Willamette River as a drinking water supply source. The investigation found that Mr. Uber and his firm served the City under a general engineering services agreement and subsequently prepared the City's water system master plan. The Sherwood City Council selected the Willamette River as its preferred option and put forth a ballot measure for the voters. Mr. Uber donated money to an organization to aid its dissemination of information on the options. Once voters approved the option, the City selected his firm through a competitive process to provide the engineering services for the approved source.

The Committee determined that since the contract was awarded about two years after the vote, the contribution was intended to support a ballot measure and not to influence the award of the contract. It was moved and seconded (Linscheid/Laszlo) to close the case as allegations unfounded. The motion passed unanimously.

2511 – Philip Smith / Kurt Kristensen

Mr. Linscheid reported that complainants Kurt Kristensen and Robert and Kathleen Newcomb alleged that the respondent, Philip Smith, PE, violated OAR 820-020-0035(2) when he contributed \$1,000 to a political action committee supporting a ballot measure to allow the City of Sherwood to use the Willamette River as a drinking water supply source. The investigation found that Mr. Smith and his firm served the City under a general engineering services agreement and subsequently prepared the City's water system master plan. The Sherwood City Council selected the Willamette River as its preferred option and put forth a ballot measure for the voters. Mr. Smith donated money to an organization to aid its dissemination of information on the options. Once voters approved the option, the City selected his firm through a competitive process to provide the engineering services for the approved source.

The Committee determined that since the contract was awarded about two years after the vote, the contribution was intended to support a ballot measure and not to influence the award of the

contract. It was moved and seconded (Linscheid/Laszlo) to close the case as allegations unfounded. The motion passed unanimously.

2534 – Erik Esparza / Jon Yamashita

Mr. Linscheid reported that complainant Jon M. Yamashita, PLS, alleged that Erik Esparza, PE, Principal of LanPacific, Inc., on his Web site advertised for or offered to perform professional land surveying services without employing a registered professional land surveyor. In response to a Board inquiry, Mr. Esparza stated he had contracted with Shaun P. Fidler, PLS, President of Construction Mapping Team, Inc, as an employee of LanPacific. The two firms were negotiating a merger.

The Committee determined to issue Mr. Esparza a Notice of Intent to Assess a \$1,000 Civil Penalty for the unlicensed practice of land surveying because contracting to offer services is prohibited under OAR 820-010-0720(3)(b). The LEC also determined Mr. Fidler was in violation of OAR 820-020-0045(5) and directed that a case be opened against him for assisting Mr. Esparza with the unlicensed practice of land surveying.

2541 – James Andrews / Teresa Bricker

Mr. Linscheid reported that complainant Teresa Bricker alleged James E. Andrews, PLS, trespassed on her property and left an exposed metal pipe putting her horses at risk of injury. A separate complaint from Lu Cinda Boatwright also alleged that Mr. Andrews trespassed on her property. The investigation found that Mr. Andrews was hired by a landowner adjacent to Bricker and Boatwright. Prior to the Andrews survey, Ms. Bricker's property had been surveyed by an unlicensed person and Ms. Bricker had a fence constructed that encroached 11' into the adjacent landowner's property.

The Committee determined that Mr. Andrews had stayed within his client's property and had not placed the exposed pipe, but had set a monument on the common boundary with Boatwright in violation of right of entry. The Committee determined to issue Mr. Andrews a Notice of Intent to Assess a \$1,000 Civil Penalty for violating ORS 672.045(4).

2579 – Jamie Lim / OBAE

Mr. Linscheid reported that a complaint was received from the Oregon Board of Architect Examiners (OBAE) regarding respondent Jamie Lim, PE, PLS. The allegations began with an OBAE investigation regarding the unlicensed practice of architecture by Troy Fowler of Skyline Homes & Design, Inc. The OBAE alleged that Mr. Lim was not in responsible control of the Fowler designs and was not competent to practice engineering. A preliminary investigation by OSBEELS Investigator Wilkinson revealed concerns with life/safety and structural issues.

Mr. Linscheid continued that the Committee reviewed an investigator memorandum that listed the names and disciplines of those professional reviewers and expert witnesses who are also professional engineers. Upon discussion, the Committee agreed to refer the matter to an approved professional reviewer and expert witness, Edward Tornberg, PE.

New Business

Louisville NCEES Trip Report

Mr. Linscheid reported that the Committee briefly reviewed a memorandum from Board Investigators Wilkinson and McCartt who flew to Louisville, KY, for the 88th conference of the NCEES. They attended the Law Enforcement Forum and heard presentations from the NCEES Law Enforcement Program, which focused on current enforcement issues affecting member boards. Mr. Linscheid added that the Committee concluded no changes to Committee operations were needed.

Case #2462, Thomas Burton: Review status of civil penalty payments

Mr. Linscheid reported that the Committee reviewed the payment status of Thomas Burton, PE, PLS (retired). Mr. Burton had agreed to settle law enforcement case #2462 by making payments on a \$2,000 civil penalty. Mr. Burton was making regular payments, but stopped this past spring and did not communicate with the Board. Mr. Wilkinson contacted Mr. Burton and learned that he had had an automobile accident with resulting health issues. Mr. Burton requested additional time to make a final balloon payment. The Committee adjusted the payment schedule, but Mr. Burton failed to meet the deadline. The Committee determined to turn the Burton balance due over to the Department of Revenue for collections.

Proposal to Promulgate CPD Fine Rule: Discussion memorandum by John Seward

Mr. Linscheid reported that the Committee discussed a memorandum presented by Mr. Seward. Mr. Seward proposed a rule to establish sets fines for violating continuing professional development (CPD) rules under OAR 820-010-0635. Mr. Linscheid continued that the Committee reviewed a spreadsheet prepared by Mr. McCartt. The spreadsheet listed the nineteen CPD cases under active investigation and identified the current status of each investigation. The spreadsheet showed the uniqueness of each case and that a one-size-fits-all approach might not work. For example, in one case a zip code was misprinted, in another the city changed local addresses and took responsibility for notifying senders, while in other cases registrants have chosen to ignore the audit. Each case needed to be evaluated on its own merit.

Mr. Seward clarified that his proposal was not meant to imply that the investigation process was not working, but rather that the penalty phase could be streamlined much like issuing a ticket. The respondent would be issued a notice of the violation with a penalty amount. They could chose to either pay the amount or request a formal hearing.

The discussion turned to the CPD model used by the North Dakota State Board of Registration for Professional Engineers and Land Surveyors. North Dakota requires their registrants to submit a CPD log with their renewals. A registration is not renewed without the log. There was agreement that the model should be evaluated for adoption by OSBEELS.

LE #2204, Gregory Brands: Review State of Washington action

Mr. Linscheid reported that the Committee discussed a memorandum regarding law enforcement case #2204, Gregory Brands, PE. Ms. Lopez explained that this case involved a pole building design that Brands completed in Washington State. The Board postponed final closure pending action of another jurisdiction and referred the case to the Washington Board of Registration for Professional Engineers and Land Surveyors. Since the Washington Board had recently completed their investigation, the OSBEELS needed to determine whether any further action was required.

The memorandum described that the sanction imposed by the Washington Board did not rise to a level required to take action either by ORS 672.200(3) or by OAR 820-020-0015(6). The Washington Board placed Mr. Brands' PE registration on a year's probation, but OSBEELS requires that another state's sanction result in a conviction of a felony, or the revocation or suspension for reasons that also would be in violation of ORS 672 or OAR 820. In Mr. Brands' case, his Washington State probation was not equivalent to an Oregon suspension. It was moved and seconded (Linscheid/Laszlo) to close the case as Board lacks jurisdiction. The motion passed unanimously.

Request for Reinstatement of Registration: Ralph Moss

Mr. Linscheid reported that the Committee discussed a request from Ralph Moss to reinstate his PE registration. Mr. Moss signed a settlement agreement for law enforcement case #2270. In the agreement, Mr. Moss did not admit to the violations, but surrendered his professional engineering registration effective August 27, 2003. The agreement included a statement that Mr. Moss would not reapply for reinstatement. The Committee determined that Moss entered into the agreement on his own accord and denied his request. It was moved and seconded (Linscheid/Laszlo) to not grant reinstatement. The motion passed unanimously.

See Cases Subject to Collections

Mr. Linscheid observed that in Cases Subject to Collections Calvin Bontrager signed a payment schedule with the Department of Revenue (DOR) and has made payments.

See Cases Subject to Monitoring

Mr. Linscheid observed that in Cases Subject to Monitoring Dale Marx remains on the list and that Douglas McMahan has been making his scheduled payments.

Case Status Report

Upon review of the list of cases, Mr. Linscheid pointed out that Abraham Taylor for case number 2480 had requested a third informal conference. In addition, the number of incoming cases has dropped off.

President Grant Davis added that he heard the City of Portland has informed their plan review staffs that they cannot use City resources to submit a complaint to the Board. He expressed concern that plan reviewers are the first line of defense against negligent or incompetent engineering because they review applications and pin-point problems. It was also emphasized that registrants have a duty under OAR 820-020-0015(1), Registrants Shall Hold Paramount the Safety, Health and Welfare of the Public in the Performance of their Professional Duties, "*If their professional judgment is overruled under circumstances where the safety, health, property or welfare of the public are endangered, they shall notify their employer or client and such other authority as may be appropriate.*" As a result, the City directive is in conflict with a registrant's lawful duty. There was additional discussion about the possibility of some Board members meeting with the Portland City Council to discuss the matter, but nothing was definite.

PROFESSIONAL PRACTICES COMMITTEE

Ms. Newstetter reported that the PPC met on October 9, 2009, to discuss the matters contained in

the Committee minutes. There was no further discussion.

Standards of Land Surveying Practices Committee

Mr. Linscheid reported that the Standards of Land Surveying Practices Committee met on October 8, 2009, and held a discussion as contained in the Committee minutes. There was no further discussion.

RULES AND REGULATIONS COMMITTEE

Mr. Tappert reported that the R&R Committee met on October 9, 2009, to discuss the matters contained in the Committee minutes.

Action was taken by the Board on the following rules:

OAR 820-010-0470 – Review of Examinations Administered by the Board

It was moved and seconded (Tappert/Laszlo) to approve the rulemaking process to amend OAR 820-010-0470 as revised. The motion passed unanimously.

OAR 820-010-0610 – Certificates

It was moved and seconded (Tappert/Laszlo) to approve the rulemaking process to amend OAR 820-010-0610 as presented. The motion passed unanimously.

OAR 820-010-0625 – Registration and Certificate Number

It was moved and seconded (Tappert/Seward) to approve the rulemaking process to amend OAR 820-010-0625 as presented. The motion passed unanimously.

OAR 820-010-0635 – Continuing Professional Development

It was moved and seconded (Tappert/Laszlo) to approve the rulemaking process to amend OAR 820-010-0635 as presented. The motion passed unanimously.

As a result of the Rules Hearing, the following action was taken by the Board:

OAR 820-010-0010 – Definitions

It was moved and seconded (Tappert/Laszlo) to amend OAR 820-010-0010. The motion passed unanimously.

OAR 820-010-0204 – Applications for Registration as a Professional Engineers (PE) Based on Examination by Another Jurisdiction or by NCEES (1st Registration)

It was moved and seconded (Tappert/Laszlo) to amend OAR 820-010-0204. The motion passed unanimously.

OAR 820-010-0206 – Applications for Registration as a Professional Land Surveyor (PLS) Based on Examination by Another Jurisdiction or by NCEES (1st Registration)

It was moved and seconded (Tappert/Laszlo) to amend OAR 820-010-0206. The motion passed unanimously.

OAR 820-010-0208 – Applications for Registration as a Professional Photogrammetrist Based

on Examination by Another Jurisdiction or by NCEES (1st Registration)

It was moved and seconded (Tappert/Laszlo) to amend OAR 820-010-0208. The motion passed unanimously.

OAR 820-010-0215 – Form of Applications

It was moved and seconded (Tappert/Laszlo) to amend OAR 820-010-0215. The motion passed unanimously.

OAR 820-010-0225 – Educational Qualifications to Take the Fundamentals of Engineering (FE) Examination for Enrollment as an Engineering Intern (EI)

It was moved and seconded (Tappert/Linscheid) to amend OAR 820-010-0225. The motion passed unanimously.

OAR 820-010-0226 – Educational Qualifications to Take the Fundamentals of Land Surveying (FLS) Examination for Enrollment as a Land Surveying Intern (LSI)

It was moved and seconded (Tappert/Laszlo) to amend OAR 820-010-0226. The motion passed unanimously.

OAR 820-010-0227 – Educational and Experience Qualifications to Take the Fundamentals of Engineering (FE) Examination for Enrollment as an Engineering Intern (EI) and Applications Based on Non-Accredited Degrees

It was moved and seconded (Tappert/Laszlo) to amend OAR 820-010-0227. The motion passed unanimously.

OAR 820-010-0228 – Educational and Experience Qualifications to Take the Fundamentals of Land Surveying (FLS) Examination for Enrollment as a Land Surveying Intern (LSI) and Applications Based on Non-Accredited Degrees

It was moved and seconded (Tappert/Laszlo) to amend OAR 820-010-0228. The motion passed unanimously.

OAR 820-010-0230 – Information to be Furnished by Professional Engineer Applicants

It was moved and seconded (Tappert/Laszlo) to amend OAR 820-010-0230. The motion passed unanimously.

OAR 820-010-0300 – Refunds and Charges

It was moved and seconded (Tappert/Laszlo) to amend OAR 820-010-0300. The motion passed unanimously.

OAR 820-010-0305 – Fees

It was moved and seconded (Tappert/Laszlo) to amend OAR 820-010-0305. The motion passed unanimously.

OAR 820-010-0415 – Nature of the Examination for Professional Engineer (PE)

It was moved and seconded (Tappert/Laszlo) to amend OAR 820-010-0415. The motion passed unanimously.

OAR 820-010-0425 – Nature of Examination for Professional Land Surveyor (PLS)

It was moved and seconded (Tappert/Laszlo) to amend OAR 820-010-0425. The motion passed unanimously.

OAR 820-010-0427 – Nature of Examination for Registered Professional Photogrammetrist (RPP)

It was moved and seconded (Tappert/Linscheid) to amend OAR 820-010-0427. The motion passed unanimously.

OAR 820-010-0465 – Application for Readmission to Examination

It was moved and seconded (Tappert/Linscheid) to amend OAR 820-010-0465. The motion passed unanimously.

OAR 820-010-0470 – Review of Examinations Administered by the Board

It was moved and seconded (Tappert/Laszlo) to amend OAR 820-010-0465. The motion passed unanimously.

OAR 820-010-0480 – NCEES Examinations

It was moved and seconded (Tappert/Laszlo) to adopt OAR 820-010-0480. The motion passed unanimously.

OAR 820-010-0505 – Biennial Renewal of Registration or Certification

It was moved and seconded (Tappert/Laszlo) to amend OAR 820-010-0505. The motion passed unanimously.

OAR 820-010-0510 – Registrants or Certificate Holders Qualified to Practice

It was moved and seconded (Tappert/Laszlo) to amend OAR 820-010-0510. The motion passed unanimously.

OAR 820-010-0520 – Registrants Not Qualified to Practice

It was moved and seconded (Tappert/Laszlo) to amend OAR 820-010-0520. The motion passed unanimously.

OAR 820-010-0530 – United States Military Registrants

This rule will be sent back to the Committee for additional review and revisions.

OAR 820-010-0605 – Address Changes; Service of Notice; and Name Changes

It was moved and seconded (Tappert/Laszlo) to amend OAR 820-010-0605. The motion passed unanimously.

OAR 820-010-0620 – Official Seal

It was moved and seconded (Tappert/Laszlo) to amend OAR 820-010-0620. The motion passed unanimously.

ADJOURN

The meeting was adjourned at 3:30 p.m.

NEXT MEETINGS

Next Board Meeting:

January 12, 2010

Next Committee Meetings:

LAW ENFORCEMENT:

Thursday, December 10th at 8:00 a.m.

PROFESSIONAL PRACTICES:

Friday, December 11th at 8:00 a.m.

RULES & REGULATIONS:

Friday, December 11th at 9:00 a.m.

EXAMINATIONS & QUALIFICATIONS:

Friday, December 11th at 10:00 a.m.

Standards of Practice for Land Surveying

(Subcommittee)

Friday, December 11th at 12:00 p.m.

FINANCE:

Friday, December 11th at 1:00 p.m.

EXTERNAL RELATIONS:

Friday, December 11th at 2:00 p.m.