

**OREGON STATE BOARD OF EXAMINERS  
FOR  
ENGINEERING AND LAND SURVEYING**

DRAFT

Minutes of Meeting  
July 15, 2003

**CALL TO ORDER**

President Albright called the meeting to order at 9:00 a.m. in the Conference Room of the OSBEELS Office, 728 Hawthorne Ave., N.E., Salem, Oregon.

**Members Present:**

Stuart Albright  
Charles Hester  
Susanna Laszlo  
Dan Linscheid  
Bob Neathamer  
Ron Stuntzner  
Dave Taylor  
Mari Kramer  
Edward Butts  
(Steve Dyrnes and Bob Walker were both excused)

**Visitors Present:**

Lloyd Tolbert, PLS, Chair-elect of PLSO  
Tobin Cooley, PE, President of Listen Acoustics, Inc.  
Russ Altermatt, PE  
Kerrie Standlee, PE, Principal of DSA Engineers  
Paul Van Orden, City of Portland Noise Control Officer

**Others Present:**

Kathi Dahlin, Assistant Attorney General  
Warren Foote, Assistant Attorney General  
Christine Chute, Assistant Attorney General  
Sheli Dumas, Staff Member  
Brian Halfman, Staff Member  
Jennifer Gilbert, Staff Member

**INTRODUCTION OF NEW BOARD MEMBERS**

President Albright introduced two new members; Mari J. Kramer and Edward P. Butts, PE. Ms. Kramer is currently the Assistant Tribal Forester for the Confederated Tribes of Siletz Indians.

She will be replacing Public Member, Charles Crump. Mr. Butts is currently the President and Chief Engineer of Stettler Supply Company in Salem. He will be replacing Joel Smith, PE. This will be the first appointment to this Board for both Ms. Kramer and Mr. Butts.

## **APPROVAL OF MINUTES**

Mr. Neathamer had a correction on the minutes of May 13, 2003 as follows: on page 10, fifth paragraph, second line, replace “s” with “a”. It was moved and seconded (Laszlo/Hester) to approve the minutes of the meeting of May 13, 2003, as amended. The motion passed unanimously.

## **PUBLIC INPUT**

Tobin Cooley, PE, Russ Altermatt, PE, Kerrie Standlee, PE and Paul Van Orden addressed the Board concerning the future of the Acoustical PE exams. Altermatt and Standlee worked together with the Board many years ago to establish the Acoustical discipline and do not want to see it dissolved. They feel the acoustical discipline is very important and becoming more recognized throughout the States, thus interest should be increasing. Albright stated that consistency is also a concern, and that an “umbrella” organization should be formed which would be ultimately responsible for the exam, and a plan for the exam to be done consistently. The preparation and scoring of the exam has been an issue in the past. Stuntzner invited them to attend the next Examinations & Qualification Committee meeting scheduled for Thursday, August 7, 2003. Staff will also send them a copy of the Public Notice.

Greg Ross addressed the Board concerning the Case #2260. Mr. Ross read a statement that he had prepared; he is a complainant in a Law Enforcement case. He disagrees with the Committees findings and requests further review. The Board requested a copy of his letter be distributed.

Lloyd Tolbert was introduced as the liaison for PLSO.

## **APPROVAL OF AGENDA**

Albright stated that Warren Foote would be joining the Board at approximately 10:00 am, and at that time, the Board will go into Executive Session. Mr. Albright will cover Item 9 External Relations. Mr. Taylor will cover Item 10 Rules & Regulations. Mr. Stuntzner would like to add Foreign Exams as item G to the Examination & Qualifications agenda. It was moved and seconded (Laszlo/Taylor) to approve the agenda as amended. The motion passed unanimously.

## **EXECUTIVE ASSISTANT REPORT**

### **Function:**

Examination/Registration – April PE and PLS examination scores will be sent following today’s meeting. Examinees that failed this exam will be given an extended deadline of August 1, 2003 to submit a re-application form. Staff is currently getting ready for October examination.

Proctors will be need once again to facilitate the administration of exams in Eugene. Please contact Sheli to volunteer.

Committee Activities – Law Enforcement, Examination and Qualifications, Finance and Professional Practices Committee each met during the interim. The External Communications Committee Chair will need to be filled since Crump’s term ended June 30, 2003.

Administrative Activities – Annual renewal activity for June is in progress. Staff mailed courtesy reminders in mid-May and has received 57% of the renewals so far. Arrangements have been made for the NCEES conference on August 13-16, 2003 held in Baltimore, MD. Stuntzner and Linscheid have been chosen as the two delegates to attend. Staff members Mari Lopez and Sheli Dumas will also be attending.

### Western Zone Report

Mr. Taylor reported on the Canadian Comity that was discussed at the Engineering Forum, which was held at the May 2003 NCEES Western Zone Meeting. Taylor mentioned a Pacific Northwest Economic Summit would be held in July 2003 in Calgary, Canada. He also reported on the ELSSES & NCEES position on exam security.

Mr. Linscheid discussed how Model Law would be a hot topic in Baltimore this year at the NCEES conference.

President Albright announced that Dave Taylor has been appointed to the NCEES Advisory Committee, Dan Linscheid has been appointed to the LE Committee, and Steve Dyrnes has been appointed to the Exam Writing Committee. Congratulations to all three. The Board is pleased to see Oregon well represented at NCEES once again.

### **PRESIDENT’S REPORT**

President Albright expressed compliments and thanks to staff for the Board packets, for being well organized and the most informative they have received. Those sentiments were also expressed by Mr. Neathamer and Ms. Laszlo. He also commented on the amount of LE phone calls he receives and that they are all referred back to the LE committee. Since there are two new members and openings on several committees now there needs to be changes made and would like to make those within the week. Please submit your requests ASAP.

### **FINANCIAL REPORT**

Mr. Hester reported a 180-degree turn in the Audits Division, and there should not be a 3-year wait for an audit. Year-end budget reports were handed out for review. With Mr. Crump no longer on the Board a back up signature is needed in case Mr. Linscheid is unavailable. It was moved and seconded (Hester/Stuntzner) that Mr. Butts be second signer. Motion passed unanimously.

**At this point, President Albright took the Board into Executive Session as provided by ORS 192.660(1)(h) to consult with legal counsel.**

**Upon returning to regular session President Albright announced that no action was taken and that no decisions were made during Executive Session.**

It was moved and seconded (Laszlo/Neathamer) to withdraw the Final Order on Summers case # 2024 for further reconsideration. The motion was passed. The Law Enforcement Committee will review the case. A course of action needs to be given to Kathi Dahlin and Warren Foote by the September Board meeting.

## **LAW ENFORCEMENT COMMITTEE**

Law Enforcement Committee Chair Neathamer reported that the committee reviewed 22 cases on June 13, 2003. There are 6 cases on the consent calendar, 2 cases requiring Board action, 5 cases requiring further investigation, 6 Notices of Intent were signed and issued and 3 responses were to be drafted to respondents. There were 4 other potential cases reviewed.

Ferrero complaint: Albright brought up a question of whether the complaint reviewed at the Law Enforcement Committee meeting and referred to the Joint Committee was a new complaint or was related to a previous case. Mr. Neathamer informed the Board that it was a new complaint, unrelated to any previous cases.

Case 2236: At the May 13, 2003 Board meeting a site visit by peer reviewers Ed Graham and Romey Ware was agreed upon. No such visit has taken place. There was no contract between the Board and Mr. Graham. President Albright informed the Board that the contract issue would be dealt with later in the meeting. Once a contract is agreed upon, scheduling a site visit will be possible.

Mr. Neathamer reported that the complainant in case 2236 had submitted additional information via email to the Board office. Mr. Neathamer questioned the method of transmittal of this information and whether the electronic communication should be accepted. It was agreed that the information should be accepted and added to the case file. However, it should be distributed at the Committee level rather than at a Board meeting. Mr. Neathamer stated that an office policy for receiving case correspondence would be drafted at the August 8, 2003 Law Enforcement Committee meeting.

Pole Building Complaint: Mr. Neathamer mentioned that an investigation was underway concerning several county building departments policies concerning engineering plans of post frame buildings. The Oregon Building Codes Divisions has also been contacted.

Case 2229: Respondent in this case has failed to respond to all correspondence sent by the Board office including a Notice of Intent to revoke. It was moved and seconded (Neathamer/Linscheid) to issue a Final Order upon default to revoke respondent's professional land surveying license. The motion was passed.

Case 2250: Respondent's professional land surveying license was revoked in case 2154. Respondent failed to complete coursework as set out in the stipulated agreement. There is no need to proceed with this case since the Respondent not longer has a license. It was moved and

seconded (Neathamer/Laszlo) to close the case with a closure code of other. The motion was passed.

Regarding the Consent Calendar: Ms. Laszlo asked that Case 2260 be removed from the consent calendar for further discussion. It was moved and seconded (Laszlo/Linscheid) to approve the amended consent calendar. The motion was passed.

Case 2260: Public input from the complainant was allowed at the beginning of the Board meeting. The discussion of this case was referred to Kathi Dahlin AAG. The Law Enforcement Committee has discussed all of the issues brought up by the complainant during the public input portion of the meeting. The committee recommended closing the case as allegation unfounded. There may exist a conflict between the ORS and OAR involved in this case. The statutes take precedence and that is what the respondent followed. Ms. Dahlin recommended that the case be closed. The complainant was informed that he might wish to seek legal counsel if further legal remedies are to be pursued. It was moved and seconded (Laszlo/Linscheid) to close the case as allegations unfounded. The motion passed with one (Neathamer) opposed.

Case 1070: Mr. Neathamer raised the issue that Gilbertson's attorney had contacted the Board and the Department of Justice concerning the possibility of reinstating Gilbertson's license which had been revoked by the Board. There was nothing further to report to his attorney at this time.

## **PROFESSIONAL PRACTICES COMMITTEE**

The Professional Practices Committee met on Thursday June 12, 2003 and discussed the following items.

### **1. Guest Discussion with Oregon Dept of Forestry** representative Heidi A. Steiner

Guest discussions are becoming a regular item in professional practices as a way of discussing items of interest and concern regarding the engineering and land surveying profession.

The question that has come up relates to government agencies and large corporations applying 672.060 (5) and (6). Large forest ownerships, both public and private, may believe that this exception means that so long as the engineering is on land owned or controlled by the entity, no engineering license is required. It appears to us that the exception does not apply where ".....the safety or health of the public, including employees and visitors, is involved." (672.060(5)(b)). An example is the preparation of plans and specifications for road, bridge or other projects that normally are prepared by a PE and stamped but is prepared by an employee of the landowner. The public uses the projects for access to recreation or residences, contractors and their employees use them for daily business as do landowner employees. The law doesn't seem to say that you don't need a PE if you do engineering exclusively on your property. Otherwise, ODOT could do unlicensed engineering on I-5, since ODOT owns fee simple the land upon which I-5 is located.

We met with Heidi Steiner, Oregon Department of Forestry, Human Resource Analyst, to see if there was a concern that engineering work was being done without a professional engineers

license or oversight. During this discussion, it was determined that the Oregon Department of Forestry work structure is assuring that engineering work is either being done by, or being supervised by a registered professional engineer.

**ACTION:** Ron Stuntzner offered to provide a list of typical activities which require PE oversight.

## **2. Michael Long, ODOT Email Dated April 22, 2003- Duel Stamping/Cathy Nelson Discussion**

This item was deferred to the June meeting. Since that time, Cathy Nelson of ODOT sent comments to the Rules and Regulations committee commenting on the proposed rules. I called her to clarify if we had any items outstanding. ODOT is addressing the stamping issue as follows:

- Standard drawings: ODOT has standard drawings for the public to refer. They expect that when practicing engineers use these standard drawings, that they perform an engineering check to assure that the application is appropriate. ODOT standard drawings have been designed by an ODOT engineer. The original is stamped and kept on file. Those issued for the public are not stamped so that the responsibility of the applicability is on the design engineer for the specific project.
- Specifications: ODOT has a standard set of specifications published. They are not stamped. The specifications relative to the specifics of a project are included in a Special Provisions section. At ODOT, the design performed on the drawings is stamped by the engineer. The engineer who designed the project does not prepare the specifications. This document goes to a specifications engineer or engineers of several disciplines who puts the corresponding specifications together for the project. The engineering specifications are looked upon as backup to the engineering design. The spec engineer checks for consistency, conflicts and standard contract procedures. The specifications are stamped by a single individual. However, on file, they do have documentation as to who performed what.
- Cathy Nelson provides a second stamp on the contract documents for overall compliance.

A letter is being prepared through the rules and regulations committee with a response.

## **3. Mr. Earp Email to OSBEELS 5/30/03**

Grants Pass requires engineers to stamp all residential drawings where an engineer has engineered a portion of the building. The stamped calculations are not accepted exclusively. Mr. Earp was told a letter from the Board would be sufficient to change the policy. Mr. Graham offered comments regarding ORS 672. Mr. Earp asked how can he stamp only the portion of the drawing for which he is responsible?

The committee recommended that Mr. Earp cloud the area for which he was responsible and stamp the drawing with a notation of what he is taking responsibility.

**ACTION:** Sue will work with Jennifer to get a letter out responding to Mr. Earp's e-mail.

#### **4. Information Policy Review (From Feb 1999 newsletter)**

At the last board meeting we were given a copy of the Feb 1999 newsletter to review and comment whether we should capture some of the interpretations of engineering law in rules. This was not addressed at the June 12<sup>th</sup> meeting.

#### **5. Russ Lawrence, PE Email Dated April 25, 2003 Permitting**

Russ is asking about agencies such as DSL, ODFW providing permitting that may actually require engineering supervision, and how to assure the protection of public safety. Can OSBEELS ensure the regulatory agencies, such as DSL and Oregon Department of Fish and Wildlife (ODFW), who is responsible for the issuance of permits for work, assure the required work will be performed under the direction of a qualified Professional Engineer?

Ms. Laszlo emailed Russ Lawrence 6/2/03 to let him know that this issue is under discussion. Unfortunately, his email was undeliverable. She will try and call him as time allows. No further action has been taken.

#### **6. Electronic Stamping Question- Mr. Robert Jossis Email June 17, 2003**

“From: Robert.G.Jossis@us.mwhglobal.com  
Sent: Friday, June 13, 2003 3:57 PM

As we discussed, when we prepare electronic (CAD) as-built Record Drawings for our clients, the only way to have our signed engineering stamp included is to scan a signed stamp for inclusion on the electronic Record Drawings. I know that "electronic signing" of original drawings for construction is not allowed. However, just want to make sure this electronic signing of electronic CAD Record Drawings is okay. Please advise. Thanks.”

#### **Ms. Laszlo's Response:**

“Dear Mr. Jossis:

I am the chair of the professional practices committee. Your email question was forwarded to me from the OSBEELS office. You ask whether electronic signature of the CAD record drawing is acceptable. As you know, wet signatures are currently the only acceptable method for sealing final engineering documents. ORS 672.020(2) defines all final documents be sealed and signed and that it certifies that the document was prepared by the registrant or under the supervision and control of the registrant.

The electronic signature on the as-builts is not a valid certification since wet signatures are the only allowed method for sealing final documents. Therefore, when you put an electronic signature on your as-builts, it is not a valid certification.

However, the question that begs to be asked, is for what purpose are you sealing as-builts? By sealing the as-builts, you are certifying that the construction was performed exactly as the documents indicate. Is that what you intend?

If you have any further questions, or would like to talk about this some more, please email or call me at 503/944-7347.

Sincerely,  
Sue Laszlo, PE  
Board Member”

## **EXTERNAL RELATIONS COMMITTEE**

President Albright reported for Mr. Crump who is no longer on the Board. He referred to the email that Mr. Crump forwarded to the Board previously:

Board Members. I hope this one gets to all of you as last week's report must not have gotten to Sue and Dave. This week's report is not too different from last week's and may be my last until the July meeting--which I may or may not attend, as we will be in Idaho all that prior week. But I will let Stuart know if I can't make it, etc.

SB 611--Relating to construction design specialists. This bill was signed by the Gov. June 20 and becomes effective Jan. 1, 2004. Chapter 418, 2003 laws.

SB 714--Relating to building codes. Also signed by the Gov. on June 19, effective Jan. 1, 2004. Chapter 368, 2003 laws.

SB 876--Relating to office of county surveyor. Signed by the Gov. June 19, effective Jan. 1, 2004. Chapter 345, 2003 laws.

HB 2341--Relating to public contracting. This bill seems to have come back to life even though it is still in House committees and still not passed out of the full House. But it has had some hearings and a work session on June 20.

HB 2706-- Relating to land surveyors. This bill will most likely die in committee, as it has had no action since May 9 when it was referred to the Senate Judiciary committee after passed out of the House on May 5.

HB 2637-- Relating to state agencies. This is one of the DAS bills. This bill had its last hearing on Apr. 1, a work session on June 4 and referred to the Ways and Means Committee on June 10 with no action since then.

HB 2893-- Relating to the practice of Geology. Bill was signed by the Speaker and the President of the Senate on June 5 and the Gov. on June 16.

HB 2967--Relating to small business impact statements before accepting a rule. Bill has regained some new life and was passed out of the House on May 21 and referred to the Senate General Govt committee on May 27, no action since then, however.

All other bills as reported to you on May 13 have not had further action since that report and will most likely die in committee.

Of special mention is HB #2341 and #2893, #2893 refers to the Geology Board and they lost that bill.

Mr. Taylor will Chair this Committee in the future.

## **RULES AND REGULATIONS COMMITTEE**

It was moved and seconded (Taylor/Linscheid) to adopt the proposed changes as noted. The motion passed unanimously.

Ms. Dahlin requested an opportunity to revise OAR 820-015-0026 before the rules hearing. Staff is instructed to check on the earliest date for rules hearing.

## **EXAMINATION AND QUALIFICATIONS COMMITTEE**

Mr. Stuntzner started with a reading of the minutes from the E & Q meeting held on June 12<sup>th</sup> as follows:

### **SPECIFIC DISCIPLINE ENGINEERING EXAMINATIONS:**

Dissolution of the Acoustical and Traffic Engineering Examinations in Oregon and the possible discontinuation of the Forest Engineering Examinations in Washington has raised concern. This concern prompted discussion on the future of the Forest Engineering Examinations. Marv Pyles currently works with a team of qualified volunteers to write and grade the Forest Engineering Examinations. Pyles will be going on sabbatical for a year but assures steps have been taken to provide a Forest Examination during his absence. On a side note, Oregon State University has been going through the accreditation process for the Forest Engineering program. This year, there were 19 graduates from this program and the numbers are continually rising. The University should have results of the accreditation review by August 1, 2003.

### **CWRE EXAMINATIONS**

Gerry Clark and Dwight French of the Water Resources Department were present to discuss the development of a Memorandum of Understanding between WRD and OSBEELS regarding the Certified Water Rights Examiner examinations. Currently, there is no MOU and the responsibilities of each agency are unclear. Mari Lopez and Dwight French will work together and draft a MOU for review at the next E & Q Committee meeting scheduled August 14, 2003. After E & Q review, the MOU will be presented at the September 2003 Board meeting.

### **REVIEW OF EXAM APPEAL**

Eric Chustz questioned the re-scoring of his Oregon 4-hour Specific exam appeal. He felt confident in his appeal after speaking with past Executive Secretary Edward Graham that he had passed the LS 4-hour exam and therefore not attending the April 2003 exams that he initially

applied. He requested another review of his appeal and exam fees forwarded to the October 2003 exam schedule if the review of his appeal was not in his favor. The Committee granted this request. Staff will send the final results of his appeal and forward fees if necessary. (See motion below approving Mr. Chustz.)

#### WESTERN ZONE PRESENTATION ON CANADIAN COMITY

Mr. Taylor covered earlier in the meeting during the Western Zone Meeting Report. Dave Taylor reported on the Canadian Comity that was discussed at the Engineering Forum, which was held at the May 2003 Western Zone Meeting. Taylor mentioned a Pacific Northwest Economic Summit would be held in July 2003 in Calgary, Canada. He suggested that someone represent Oregon at this summit. Staff was instructed to follow up with more information to the Committee before a decision is made.

#### LETTER TO NCEES MEMBER BOARDS

Past Executive Secretary Ed Graham generated a draft memorandum regarding non-cooperation of proctor request to the 18 states working with ELSESES. The E & Q Committee approves of the memorandum but would like to see it in a formal letter and sent to all NCEES Member Boards with a copy to NCEES. Staff will draft a letter to be included in the July 2003 Board Packets. After discussion and a review of the letter, there were changes that need to be made before approval of the letter.

#### WAIVER OF REFERENCES

Mr. Robert Hepler, Civil PE comity applicant, requested the requirement for 3 PE references to be waived. He has only one PE reference. The Committee granted this request.

Mr. Glenn Nelson, Civil PE comity applicant, requested his application be sent to the July 2003 Board meeting without the one active PE reference covering a time period from 1997 to 2003. Mr. Nelson submitted 6 references, 5 which are retired, along with 40 years of experience. The Committee granted this request.

Chair Stuntzner brought forward a candidate from the October Oregon 4-hour exam who passed on appeal. Moved and Seconded (Stuntzner/Laszlo) to approve license for Chustz, motion passed with one opposed (Neathamer).

It was moved and seconded (Stuntzner/Laszlo) to approve revised letter to all states working with ELSESES. The motion passed unanimously.

It was moved and seconded (Stuntzner/Laszlo) to approve the consent calendar. The motion passed unanimously.

It was moved and seconded (Stuntzner/Laszlo) to approve the list of 65 applicants by Comity. The motion passed unanimously.

It was moved and seconded (Linscheid/Laszlo) to approve 22 examinees achieving a passing score on the April 2003 PLS exam. The motion passed unanimously.

It was moved and seconded (Laszlo/Stuntzner) to approve list of 19 examinees achieving a passing score on the April 2003 Water Rights Examiner Examination. The motion passed unanimously.

It was moved and seconded (Laszlo/Stuntzner) to approve list of 142 examinees achieving a passing score on the April 2003 PE Examinations (Chemical, Civil, Electrical, Forest, and Mechanical). The motion passed unanimously.

It was moved and seconded (Stuntzner/Neathamer) to approve 1 examinee achieving a passing score on the October 2002 Control System Examination that NCEES reviewed and re-scored. The motion passed unanimously.

It was moved and seconded (Laszlo/Linscheid) to approve Mark Fantozzi for a Structural by Prior Practice license. The motion passed unanimously.

(It was suggested by Ms. Dahlin that the SSN be removed from the list provided by the Water Resources Division before being added to the public record. This will be done.)

Email correspondence from Mr. Uchida at JPEC regarding the number of examinees for the October exam, (407) and the amount of the check they are sending was presented to members for review.

Mr. Stuntzner also presented a memo to members regarding the Korean exams and he also commented on a call he received from Mr. Anderson earlier in the week. Staff was directed to look at expenses and make a recommendation for increasing foreign proctor fees.

## **UNFINISHED BUSINESS**

Executive Secretary Search

Interviews will be scheduled for August 8<sup>th</sup> starting at 1:00 after the LE Committee meeting.

## **Summary of Action Items**

None noted

## **NEXT MEETING**

September 9<sup>th</sup> in the OSBEELS office

### Future Board Meetings in 2003:

September 9

November 11 (Veterans Day)

### Future Committee Meetings in 2003:

August 7 - 8

October 9 - 10 (24 & 25 are test dates)

December 11 - 12

## **ADJOURN**

The meeting was adjourned at 2:15 p.m.

