

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

DRAFT
Minutes of Meeting
July 13, 2004

CALL TO ORDER

President Albright called the meeting to order at 9:01 a.m. in the conference room of the OSBEELS Office, 728 Hawthorne Ave., N.E., Salem, Oregon.

Members Present:

Stuart Albright
Edward Butts
Susanna Laszlo
Dan Linscheid
Bob Neathamer
Dave Taylor
Ron Stuntzner
Grant Davis (was excused)
Steve Dyrnes (was excused)
Mari Kramer (was excused)

Visitors Present:

Lloyd Tolbert, PLS, PLSO Chair

Others Present:

Mari Lopez, OSBEELS Executive Secretary
Jennifer Gilbert, OSBEELS Executive Assistant
Brian Halfman, OSBEELS Investigator
Kathi Dahlin, Assistant Attorney General

APPROVAL OF MINUTES

It was moved and seconded (Laszlo/Taylor) to approve the minutes of the meeting of May 11, 2004, as distributed. The motion passed unanimously. Ms. Laszlo also requested a summary of action items to be added to the minutes.

PUBLIC INPUT

President Albright welcomed Lloyd Tolbert and invited any comments.

APPROVAL OF AGENDA

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

EXECUTIVE SECRETARY'S REPORT

Examination/Registration – The April PE, PLS, and WRE examination scores will be sent following the July Board meeting. Examinees that failed this exam will be given an extended deadline of August 2, 2004 to submit a re-application form. Staff is currently getting ready for the October examinations. To date, there are approximately 145 applications received for the October exam. Proctors will be needed once again to facilitate the administration of the exams in Eugene.

Committee Activities – Examination and Qualifications Committee, Law Enforcement Committee, Professional Practices, and Rules and Regulations Committee each met during the interim. Committee reports are included in the packets.

Administrative Activities – Annual renewal activity for June is in progress. Staff mailed courtesy reminders in mid-May and has received 62% of the renewals so far. Arrangements have been made for the NCEES conference on August 11-14, 2004 held in Cleveland, OH. Linscheid and Taylor have been chosen as the two delegates to attend. Mari Lopez and Sheli Dumas will also be attending.

Adrienne Sexton from the Legislative Fiscal Office will be conducting an onsite visit on July 12, 2004 (see email attached).

James R. (JR) Wilkinson has been hired for the investigator position. Mr. Wilkinson will begin work on July 21, 2004.

Ms. Lopez notified the Board that Donna Speakes of Corporate Creekside had recently contacted her regarding the previous proposal of relocating the office. Ms. Speakes informed Ms. Lopez that Corporate Creekside would like to offer their real estate services to OSBEELS at no additional charge to find a suitable tenant to sub-lease the current space at 728 Hawthorne Avenue, NE. Ms. Lopez is waiting on a written proposal including details from Ms. Speakes. Mr. Neathamer also requested to continue working with Ms. Lopez on this matter.

PRESIDENT'S REPORT

President Albright reported that he recently met with the Joint Compliance Committee regarding Law Enforcement cases related to the practice of geology and engineering. There was discussion on the fact that registrants of OSBEELS are exempt from the laws of other professions on a fair number of occasions. OSBEELS does not have jurisdiction over those individuals in a case where the law of the other profession is not followed; nor does the board of registry in that profession. This includes the agencies of geology and water resources. Therefore, practice is apparently allowed by virtue of registration as engineers in certain professions over which there is no jurisdiction. President Albright will draft wording to amend the statutes to provide that OSBEELS regulates registrants as to negligence or incompetence even where they are otherwise exempt from the application of other statutes. AAG Kathi Dahlin will review the language after it is drafted.

President Albright prompted a brief discussion on the requirement for equivalency evaluations on degrees other than ABET, specifically those from Japan. The concern of JPEC is related to the amount of candidates applying for the exam under stricter requirements than previously followed. This issue will be discussed further under the Examinations and Qualifications portion of the agenda.

Ms. Lopez requested new committee assignments for the Board. President Albright stated that the Chair of each Committee would stand with the exception of Mr. Linscheid as the new Chair for Rules and Regulations. To date, a public member has not been found to replace Mr. Hester.

FINANCIAL REPORT

The Finance Committee did not hold a formal meeting in June. The Governor's Office is still looking for a public member to replace Mr. Hester's position on the Board.

As of May 31, 2004, the Board had a reserve of approximately \$522,353. Staff provided the Profit & Loss Budget vs. Actual statement for the period July 1, 2003 through May 31, 2004; the two-year fiscal period is now about 46% complete.

Ms. Gilbert informed the Board that she contacted the bank to negotiate a decrease in the fee charged for processing credit card payments. This negotiation resulted in a decrease of 0.21%. The Board also congratulated Ms. Lopez on her decision in regards to computer related professional services and the immense savings already detected.

LAW ENFORCEMENT COMMITTEE

The Law Enforcement Committee (LEC) Chair, Bob Neathamer, informed the Board that the LEC held a meeting on June 18, 2004. Mr. Neathamer presented the following report concerning the activities of that meeting.

Consent Calendar

Mr. Neathamer reported that the following five cases were reviewed and placed on the consent calendar to be closed: 2084 (Gunnar Schlieder, other), 2283 (Jerry Houck, deceased, compliance met), 2285 (James Greenman, allegations unfounded), 2301 (William Hedenskog, allegations unfounded), 2308 (William Shull, allegations unfounded).

It was moved and seconded (Neathamer/Linscheid) to approve the consent calendar. Ms. Laszlo requested that case 2301 (William Hedenskog) be removed from the consent calendar. President Albright granted the request. The motion passed, approving the consent calendar with the exception of case 2301.

2301 – *William Hedenskog*: Ms. Laszlo wished to discuss the reason for closing this case. Mr. Neathamer explained that the respondent was working for a licensed individual and that there was a related case that action was being taken on. It was moved and seconded (Laszlo/Neathamer) to approve the LEC recommendation to close the case as allegations unfounded. The motion passed.

Recommended Board Actions

2264 – *Bryan Flavin*: Following the June 18, 2004 informal conference, a settlement agreement was reached. The agreement stated that a six-month suspension of his land surveying license would be abated if a corrected map of survey is filed with the County Surveyor's office August 31, 2004 and a copy submitted to the Board by September 1, 2004. It was moved and seconded (Neathamer/Laszlo) to approve the settlement agreement. The motion passed.

2300 – *Mick Meloy*: Following an informal conference with the LEC, a settlement agreement was signed. The agreement stated that a \$1,000 civil penalty would be abated if by July 15, 2004 Meloy has taken actions to terminate the business name registration of Planning and Engineering Resources, Inc. It was moved and seconded (Neathamer/Laszlo) to approve the settlement agreement. The motion passed.

2319 – *Sheikh Hasan*: Following an informal conference with the LEC, a settlement agreement was signed. The agreement stated that a \$1,000 civil penalty would be abated if by July 15, 2004 Hasan has taken actions to terminate the business name registration of Planning and Engineering Resources, Inc. It was moved and seconded (Neathamer/Laszlo) to approve the settlement agreement. The motion passed.

Miscellaneous

Resident Engineer Rule: Due to the subject matter of cases 2300 and 2319 the topic of OAR 820-010-0720 was discussed. Much of the public is unaware of this rule and are able to register their company name through the Oregon Corporations Division with the use of "engineering" terms. The possibility of working with the Corporations Division to track the new listings of companies using engineering terminology in the business name was discussed. Brian Halfman will contact the Corporations Division to determine if OSBEELS could periodically receive a list of new companies so that they may be contacted to verify compliance with the rule.

Settlement Conferences from the Office of Administrative Hearings: AAG Kathi Dahlin informed the Board that representatives from OAH attended the LEC meeting. Administrative Law Judges Peter Rader and Greg Naugle presented information concerning the settlement options for contested cases available through the OAH. These proceeding are done at the Cherry Street office by only Rader, Naugle and David Marcus. A pre-hearing conference must be requested by OSBEELS in order to have the option of a settlement available.

2294 – *Scott Nettleton*: AAG Kathi Dahlin updated the Board on the status of the hearing results. Nettleton's application for a structural engineering license by prior practice was denied by the Board. A hearing was held on May 20, 2004 and a proposed order from the ALJ was received on July 2nd.

The order concludes that "The Board has the authority under ORS 672.129(4) to develop and apply criteria for evaluating applications for structural engineer certification based on prior practice." Also, "Mr. Nettleton did not meet the criteria for receiving structural engineering certification based on prior practice, so the Board did not err in denying Mr. Nettleton's application."

Nettleton can still file exceptions to the order. Once the order is approved Nettleton still has the right to judicial review through the Court of Appeals.

Investigations: Private Investigator Bob Pfeiffer recently completed the review of three OSBEELS cases. One outstanding case is still assigned to Pfeiffer. The Board will allow Pfeiffer to complete the investigation of the case. With the hiring of a full-time staff investigator, the need for Pfeiffer is lessened. However, if needed the Board would like to contact Pfeiffer in the future.

Case Status Report/Settlement Agreement Monitoring

Mr. Neathamer noted that included in the Board packet was a copy of the case status report and the settlement agreement monitoring report. There were no questions concerning these items.

PROFESSIONAL PRACTICES COMMITTEE

The Professional Practices Committee met on June 17, 2004 to discuss the following matters. The following was reported to the Board:

A guest discussion took place regarding the decision to retain the proposal of including professional survey work in the duties prescribed for the Civil Engineering Specialist Class Series. This registrant expressed concerns regarding position descriptions and the corresponding level of responsibility. His concern was that through this new organizational structure, individuals might be put into situations that may conflict with the engineering and land surveying laws. Correspondence was sent to the Department of Administration (DAS) and the Association of Engineering Employees of Oregon (AEE) informing them that in general, the Board does not dictate to organizations how to classify its employees. Instead, the Board's focus is on ensuring the lawful practice of engineering and land surveying. Also, the Board's concern lies with ensuring that the designated engineer or land surveyor has appropriate credentials and oversight of the products for which they take responsibility. OAR 820 and ORS 672 were included in correspondence to inform them of rules and laws pertaining to the practice of engineering and land surveying for future use.

Several questions have been posed to the Board regarding the professional seal on environmental reports; who can perform hydrology and hydrogeology work and the use of the title hydrologist. It came to the attention of the Committee that the source of these concerns originate at DEQ in regards to their procedure in accepting engineering stamps on hydrology reports. Staff researched additional information and found that no policy or procedure has been established by DEQ to follow in accepting these reports. Information on their website shows typical practice of engineering but defines the scope of practice for geologists in more detail. It appears that there has been lobbying on the behalf of the geologists to DEQ as to when a geologist stamp is necessary, however, there has not been sufficient input from the engineering aspect on the same matters. Hydrological interpretation is silent in OSBEELS rules as to who can perform this type of work; therefore DEQ has determined to accept work only from geologists. The Professional Practices Committee will invite a representative from DEQ to the next meeting for further discussion to clarify and educate the qualifications of an engineer to perform such types of work. Mr. Butts has volunteered to speak to Stephanie Holland on behalf of the Committee to open dialogue regarding this matter.

An email was received regarding the use of the contracted City Engineer, Hardey Engineering and the bidding on projects for the City. The Board was informed that Hardey Engineering also

places bids on projects for the City, and if awarded, also performs the review. Correspondence between the City and the City Engineer with the Board determined the Committee's action to forward this issue to the Law Enforcement Committee. A case has been opened by the Law Enforcement Committee to investigate this matter further. Since this instance may also occur in other cities of smaller size, it was suggested that staff include information regarding this in the newsletter. AAG Kathi Dahlin requested to review the article before being printed.

Questions were received by the Committee with respect to the practice of engineering by architects. ORS 671.010(6) defines the practice of architecture as the "planning, designing or supervising of the erection, enlargement or alteration of any building or of any appurtenance thereto other than exempted buildings." Correspondence sent in response to the questions explained that a registered architect is expected to understand, assemble and coordinate all of the disciplines and specialties that a building comprises and they also have concern for the creation and adaptation of space primarily for the use and occupancy by human beings. In contrast, the engineer is focused more specifically on a technology of one specific functional system that the building comprises. However an architect is expected to retain an engineer on projects that are complex, or outside of their competency. There was also a question as to why civil engineers are excluded from performing structural engineering on significant structures and yet, architects, by law can perform such work. AAG Kathi Dahlin noted that the architect is exempt from the engineering laws only when they are practicing architecture by definition of "architecture" as defined in ORS 671, the architect laws. Ms. Laszlo also informed the Board that the Architect Board has invited OSBEELS to conduct a joint board meeting. This would be an opportunity to discuss issues involving the grey areas between architecture and engineering.

Ms. Laszlo briefly reviewed the Committee's draft response to a list of 19 questions from an individual from Douglas County relating to heating and cooling, plumbing, electrical issues and energy code forms for exempt and non-exempt buildings. It was noted that the Committee is receiving more complex questions by registrants and individuals working with the engineering and land surveying professions. President Albright stated this is a good sign the Committee is educating the community and thus prompting further in-depth questions.

Mr. Neathamer posed a question in regards to the proposal of a new requirement in the Jackson County. The proposal includes as-built surveys to be required on all development projects. This prompted the question: is this considered strictly land surveying since the work done will include depicting subdivision boundaries and relating to it, or can an engineer perform this work without a land surveyor? Ms. Laszlo referred back to the definition of engineering and land surveying as defined in the statutes and the scope of practice in each profession. After discussion of the scope of practice, current practice of utility companies, GIS practice, right-of-way, and record drawings, there was no conclusive answer. President Albright assigned the Professional Practices Committee to place this topic for further discussion at the next meeting. AAG Kathi Dahlin will also research and prepare a memorandum to offer an interpretation of ORS 672.025(3) as follows: "Can a Civil Engineer do 'as built' or 'record' drawings of a subdivision or must that work be done by a Professional Land Surveyor? We presume that boundary and right of way notations may appear on the documents to be filed."

The second question posed by Mr. Neathamer related to electronic documents. Should electronic documents also be signed and sealed if submitted with a hard copy that is sealed? An agency may request an electronic document of a record drawing to be submitted; should this also be

signed and sealed? Currently, there is no recognition of an electronic signature or seal. After discussion and recollection of previous discussion by the Board regarding the same topic, it was noted that there is still much concern. ORS 672.020(2) and ORS 672.025(2) state, "every final document including drawings, specifications, designs, reports, narratives, maps and plans issued by a registrant shall be stamped with the seal and signed by the registrant." OSBEELS does not give guidance in decisions regarding business practices not outlined in statutes or rules.

REFERENCE MANUAL FOR BUILDING OFFICIALS:

Ms. Lopez and Ms. Gilbert met with the members of the Architect Board, Carol Halford, Administrator; Kellee Conner, Assistant Administrator on May 7, 2004 and held a teleconference with Sue Laszlo and Barbara Sestak. The content and format of the manual is in progress and near completion. A meeting has been scheduled for Friday July 16, 2004 to discuss the current content with Ravi Mahajan, Building Codes Division and Thomas Phillips, City of Salem Building and Safety Administrator. The group anticipates sending a draft of the manual to all Board members for review by the end of the month and discuss at the next Board meeting in September.

1:00 P.M. PUBLIC HEARING

Public comment took place regarding the Rules proposed for adoption and amendments to Oregon Administrative Rule (OAR) Chapter 820, Divisions 1 and 10. A report will be made available at the Board office. There were no interested parties in attendance.

EXTERNAL RELATIONS COMMITTEE

Mr. Taylor stated that the External Relations Committee did not meet during the interim. He attended the Professional Engineers of Oregon (PEO) 2004 Annual Conference. Mr. Dyrnes and Mr. Butts were also in attendance. Mr. Taylor announced that Mr. Butts was recognized with the President's Award of the Year.

Mr. Taylor briefly informed the Board of Senate Bill 711. It applies to both registered engineers and architects. Section 4 of this Bill allows Department of Consumer Business Services (DCBS) or a municipality administering and enforcing a building inspection program under ORS 455.148 or 455.150 to not require a plan review for 1 & 2 family dwellings that are of conventional light frame construction if (a) the plans for the dwelling are designed and stamped by a professional engineer or a registered architect and (b) the engineer/architect is certified by DCBS under ORS 455.720 as a 1 & 2 family dwelling plans examiner.

RULES AND REGULATIONS COMMITTEE

Returning to the matter of proposed changes to the Administrative Rules, President Albright opened the discussion and the Board took the following actions:

820-001-0000 Rule Changes. It was moved and seconded (Laszlo/Neathamer) to amend. Mr. Taylor made a friendly amendment to delete subsection (A) Engineers Coordinating Council of Oregon since they are now defunct. President Albright made a friendly amendment to change subsection (B) Consulting Engineers Council of Oregon to (A) American Council of Engineering

Companies of Oregon. Ms. Laszlo accepted the friendly amendments. The motion passed unanimously.

820-001-0020 Public Records Request. It was moved and seconded (Laszlo/Neathamer) to adopt. The motion passed unanimously.

820-010-0010 Definitions. It was moved and seconded (Laszlo/Neathamer) to amend. After discussion, wordsmithing and full Board agreement, the noticed subsections read:

(15) Active Status means the registrant is authorized to engage in the professional practice of engineering or land surveying, and is in good standing with regard to payment of annual renewal fees and Continuing Professional Development requirements.

(16) Exempt Status means the registrant has notified the Board that they are not providing or offering to provide professional engineering or land surveying services to the public of the State of Oregon and requests exemption from Continuing Professional Development requirements.

(18) Delinquent Status means the registrant has not renewed their license or has not completed the Continuing Professional Development requirements.

The motion passed unanimously.

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

820-010-0325 Budget. It was moved and seconded (Laszlo/Neathamer) to amend. The motion passed unanimously.

The Rules and Regulations Committee met on June 17, 2004 to discuss the following matters. The following was reported to the Board:

After review of Executive Order No. EO 03-01, House Bill 3120 section 13, and information gathered from Eastern Oregon Correctional Institution regarding possible felonies and misdemeanors, the Committee amended the drafted language to propose for a rule. AAG Kathi Dahlin provided information that will be discussed at the next Committee meeting.

The Committee previously prepared a draft rule that will allow modification of a design if certain requirements are met for approval by the Board at the January 13, 2004 regular meeting. However, due to several questions and concerns, the Board tabled approving this draft rule for adoption. In the interim, Ms. Laszlo has addressed concerns and the Committee will revisit this item at the next scheduled meeting in August.

The Committee will be reviewing the Oregon Administrative Rules pertaining to engineering and land surveying, in part, starting with Division 20, Rules of Professional Conduct. Any suggested amendments will be discussed at the next meeting in August.

The Board briefly discussed information to draft a rule pertaining to exam subversion and the conduct of examinees. After further discussion, the Committee will move forward with drafting

a rule for professional conduct related to examination and licensure regardless of the outcome of OSBEELS involvement with ELSSES and the process of their administration of examinations.

Mr. Linscheid informed the Board of concerns within the surveying community regarding the proposed legislative concepts. He noted that it would be in the best interest of the Board to post the information on the website. Mr. Linscheid provided a detailed summary for OSBEELS to utilize on the web. In conjunction, AAG Kathi Dahlin will draft a short statement outlining the process for legislation from the stage of legislative concept up to becoming law. This will be used for posting legislative concepts, LC drafts, and bills.

EXAMINATION AND QUALIFICATIONS COMMITTEE

The Examination and Qualifications Committee met on June 17, 2004 to discuss the following matters. The following was reported to the Board.

WAIVER OF DELINQUENT FEE – Todd Holland

Mr. Holland is requesting a waiver of the delinquent fee due to frequent employment changes in 2003. The Committee denied his request.

INTERPRETATION OF OAR 820-010-0635(3)(g)

Staff received an email requesting an interpretation of the above OAR with regards to the maximum number of hours allowable for active participation in a professional or technical society. The maximum allowable under the rule is 6.

An excerpt from the November 1999 Oregon Examiner was included in the Board packet showing a typical scenario where a registrant may only claim 3 societies. The E & Q Committee has requested that the Rules and Regulations Committee to conduct further review of this rule since there is still confusion amongst registrants.

CPD CREDITS FOR GEOGRAPHIC INFORMATION SYSTEM CLASSES

A question arose regarding GIS training classes counting towards CPD credits. The Committee determined that the classes may count towards CPD credit, if the course pertains to active practice.

STRUCTURAL APPLICATION BY PRIOR PRACTICE – Ravindra Mahajan

As instructed at the May Board meeting, this application was returned to the Committee for further review. After a review of the application, the Committee referred the file to AAG Kathi Dahlin for comment. After discussion it was requested that Ms. Dahlin assist in drafting a letter to Mr. Mahajan regarding his application; his request remains denied.

EXAM APPLICATIONS – Ronald Bennell

Mr. Bennell requested a waiver of the three (3) PE references that are required to qualify for the PE exam. The Committee denied his request. After further discussion with the Board, the Committee's decision stands.

COMITY APPLICATIONS:

- Sammeta Surrender – Mr. Surrender requested a waiver of an equivalency evaluation. A copy of an original evaluation was faxed from the North Dakota Board. The Committee approved his request.
- Dominic Lee – Mr. Lee requested the Board to issue a license in Fire Protection by Comity without examination. Mr. Lee does not currently hold a license in this discipline in any jurisdiction. The Committee denied his request per OAR 820-020-0020. However, Mr. Lee has been invited to take the exam.
- Guopina Xu – Mr. Xu appealed the decision the Committee made at its last meeting to require him to take the FE exam. The Committee will hold this decision until staff has received the requested information provided to Mr. Xu from the United Kingdom.
- Svend Sorensen – Mr. Sorensen is reluctant to send in the required documentation as requested; 5 references and a verification of a current license from another jurisdiction. The Committee will not waive these requirements.

EXAM APPEAL – Howard Richardson

Mr. Richardson expressed concern that he has not received a response regarding his appeal of the April 2003 Oregon Specific 4-hour exam. Mr. Neathamer was asked to formulate a response. Mr. Neathamer reported that the response is near completion.

KEVIN JONES

A letter of explanation was received regarding Mr. Jones behavior at the April 2004 exam. Staff responded accordingly.

ELSEES CONTRACT FOR REVIEW

A copy of the contract was distributed in board packets. The members of the board discussed in detail; services of interest to the board, responsibilities of each party, ADA compliance, Oregon specialty examinations, and the inevitably change of the Board's position. AAG Kathi Dahlin will continue to work with Ms. Lopez on a proposed contract that will be submitted to ELSEES. AAG Kathi Dahlin also noted that there will also be a need for budget review and rule changes prior to entering into a contract.

Ms. Lopez announced that NCEES has added additional calculators that will be banned for the October 2004 Examination(s). Information will be sent to all approved candidates and is also posted on the web site.

It was mentioned that JPEC would need to be notified of the possibility of a contract with ELSEES. President Albright will draft a letter to Mr. Uchida stating that due several factors there is a high possibility that OSBEELS will enter into an agreement with ELSEES. This agreement will also impact the administration of examinations in Japan. The timeline seems to be favoring a date of October 2005 to begin this joint venture.

PROFESSIONAL SERVICE CONTRACT – John Yang

Due to the discussion of entering into an agreement with ELSEES, a contract will not be necessary at this time.

FOREST ENGINEERING EXAM MOU

OSBEELS and the Washington State Board of Registration for Professional Engineers and Land Surveyors have formed a joint committee to produce an exam that will be administered to applicants in both states. The Committee approved the MOU with minor amendments. Ms. Lopez reported that the MOU is in the mail from Washington and has not yet been received.

It was moved and seconded (Stuntzner/Laszlo) to move forward with the MOU with Washington. The motion passed unanimously.

CONTINUING PROFESSIONAL DEVELOPMENT AUDIT

Ms. Dumas informed the Committee that an audit was currently underway and that the information will be available for review at the next Committee meeting.

ABET VISIT

Notification was received that ABET will be visiting OIT during October 3-5, 2004. They are requesting Board representation; Ms. Lopez and Mr. Neathamer will be attending.

George Fox University is also scheduled for an ABET review on October 10-12. Mr. Linscheid and Ms. Dumas have volunteered to represent the Board as observers. A short biography has been requested on the proposed representatives. If the institution doesn't perceive a conflict of interest with the individuals and is willing to accept Mr. Linscheid and Ms. Dumas as observers, then a formal invitation with more information on visit procedures will be sent. Ms. Dumas will also be attending the ABET training at the NCEES 2004 Annual Meeting in August.

SOCIAL SECURITY NUMBER ON RENEWAL FORMS

There have been several concerns expressed regarding the SSN being included on the renewal forms. A letter was received from Dana Whitlow along with OSBEELS renewal form was forwarded to AAG Kathi Dahlin for review. With the provided information, correspondence has been sent to Mr. Whitlow in response to his concerns. Staff will also include information in the newsletter.

EXAM APPLICATION – Kevin Boston

Mr. Stuntzner informed the Board that a letter was received from one of Mr. Boston's PE references. This reference requested that OSBEELS reconsider his recommendation. The letter was added to Mr. Boston's file. No further action was taken.

GEOTECHNICAL CONTRACT WITH CALIFORNIA

AAG Kathi Dahlin has reviewed the contract and had concern with the wording on the Standard California Contract. It appears that the intent of the contract is for use between the State and a contractor when purchasing services. In this case, OSBEELS will be purchasing a product from the State of California. After discussing the exam timeline, and the lack of applicants, it was decided that there is sufficient time for Ms. Dumas to continue working with AAG Kathi Dahlin on the contract to fix deficiencies.

STRUCTURAL III

The Board is in support of the initiative to request NCEES to consider developing and administering a Structural III exam. This is an important step in helping to bridge the differences

in structural licensing, primarily in areas where seismic and other complex structural considerations are important. Exam Policy (EP) 8 (B) requires “at least 10 boards who can demonstrate a need for an examination.... Requests shall include proof of such need, estimate of usage...” Ms. Lopez has modified a suggested letter and was included in the board packets for review and approval. No changes were necessary; it will be sent to the NCEES Board of Directors.

JPEC

President Albright stated that JPEC is requesting special consideration for the April 2004 exam applicants with regards to the requirement for an equivalency evaluation of degrees. A waiver has been requested for all JPEC applicants who hold a degree from a Japanese institution. After discussion, it was determined that the members did not want to change the policy for the April exam and will adhere to the requirements for all future exams for all applicants. President Albright will include this determination in the letter that notifies JPEC of the possible contract with ELSEES and the possibility of terminating the current MOU with the October 2005 exam.

Exam Applications – Mr. Stuntzner directed the members’ attention to the list of applicants that passed the April 2004 professional engineering and water rights examinations. It was moved and seconded (Stuntzner/Laszlo) to approve the list of 123 PE applicants and 12 WRE applicants as presented. The motion passed unanimously.

Exam Applications – Mr. Stuntzner directed the members’ attention to the list of applicants that passed the April 2004 professional land surveying examinations. It was moved and seconded (Neathamer/Linscheid) to approve the list of 18 LS applicants as presented. The motion passed unanimously.

Comity Applications – Mr. Stuntzner directed the members’ attention to the list of applicants seeking registration by comity. It was moved and seconded (Neathamer/Laszlo) to approve the list of 85 applicants as presented. The motion passed unanimously.

Geotechnical Applications by Prior Practice – Mr. Stuntzner directed the members’ attention to the original and supplemental list of applicants seeking registration by prior practice. It was moved and seconded (Neathamer/Laszlo) to approve the list of 15 applicants as presented. The motion passed unanimously.

ADJOURN

The meeting was adjourned at 4:00 p.m.

NEXT MEETINGS

Next Board Meeting:
September 14, 2004

Next Committee Meetings:
To be determined.