

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

DRAFT
Minutes of Meeting
March 9, 2004

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
Edward Butts
Steve Dyrnes
Charles Hester
Mari Kramer
Susanna Laszlo
Dan Linscheid
Bob Neathamer
Ron Stuntzner
Dave Taylor
Bob Walker

Visitors Present:

Lloyd Tolbert, PLS, PLSO Chair
Nicholas Jasper, Alliance Engineering
John Feskens, Alliance Engineering
Steve Heryford, Alliance Engineering
Carol Halford, Administrator, Oregon Board of Architect Examiners
Kellee Conner, Assistant Administrator, Oregon Board of Architect Examiners

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/Dyrnes) to approve the minutes of the meeting of January 13, 2004, as distributed. The motion passed unanimously.

PUBLIC INPUT

President Albright welcomed the visitors and invited any comments.

Nicholas Jasper, John Feskens, and Steve Heryford from Alliance Engineering were present to discuss 672.060(10), Exceptions to application of ORS 672.002 to 672.325. Each representative from Alliance Engineering explained their opposition to having a limitation in the Engineering Laws. The Board suggested consulting with professional associations regarding the matter to take the appropriate steps in proposing a change to the Oregon Revised Statutes.

APPROVAL OF AGENDA

Several requests were made to amend the Agenda. Mr. Stuntzner requested the following addition to Item 11, I: License Status. Mr. Taylor requested to add under Item 9, A: Senate Bill 711, B: ACCA Meeting update. It was moved and seconded (Linscheid/Dyrnes) to adopt the modified agenda. The motion passed unanimously.

EXECUTIVE SECRETARY'S REPORT

Examination/Registration – OSBEELS has a confirmed number of examinees for the April 2004 examinations. Scheduled to sit for the exams are: 178 PE candidates; 29 PLS candidates – 20 for the Oregon Specific Law Exam; 333 FE candidates; 25 FLS candidates; and 9 WRE candidates. Staff is currently looking for a facility that will accommodate the FE and FLS (358) candidates in a classroom style setting on Saturday, April 17th. Friday's examination is scheduled in Salem at Chemeketa Community College. Proctors will be needed once again to facilitate the administration of the exams. Please contact Sheli to volunteer.

Sheli and Denise, from the California Board have been communicating regularly regarding the Geotechnical Examination. California is currently in the process of drafting an agreement for OSBEELS to review. If all goes as planned, we anticipate purchasing the exam for the October 2004 exam administration.

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 – A Semi-Independent Board Administrators (SIBA) Meeting was held on January 20, 2004 regarding semi-independent status. Fred VanNatta, Lobbyist submitted a proposal for attending to the Legislative interests of Semi-Independent Boards (attached). The proposal consists of 3 portions: the first 2 portions would benefit the agency with information and strategical advice; the third portion would amend the existing law so that Semi-Independent agencies may acquire property. If the Board would like to participate with the other Semi-Independent agencies in this proposal, I will need to inform them of our decision by March 15th (next SIBA meeting). SIBA anticipates a cost of \$500.00 to participate in the first 2 portions and an additional \$500.00 to participate in portion 3 for a total of \$1,000.00. This cost is estimated by how many agencies are involved. Currently, the Board of Massage Therapists has approved

all portions of the proposal and the Oregon Physical Therapist Licensing Board has no interest in participating. The jury is still out for the remaining 11 agencies, including OSBEELS. President Albright made a suggestion to table this issue for discussion under Item 9, External Relations Committee.

A job description has been implemented for the Investigator position. A job announcement will be posted with the Employment Department and the Oregon Association of Licensed Investigators, Inc. by March 15, 2004.

PRESIDENT'S REPORT

President Albright met with the Joint Compliance Committee (H. Stanley Kelsay, Gary Peterson, and Dave Michael) during the interim. Of the four cases discussed, three will be referred back to the governing board Law Enforcement Committees for concerns regarding incompetence and negligence. The Committee has yet to come to a consensus on the last case due to differences of opinions in the quality of work.

President Albright also informed the Board that he would be going to Japan for the April administration of the FE exams in Tokyo. Since this is a smaller exam requiring only one room, he will be the only representative from OSBEELS. The number of representatives from OSBEELS sent to supervise future exams in Tokyo will be determined on the outcome of this administration with one representative. President Albright also mentioned that a meeting scheduled with Gary Huber would take place at the Yokosuka Naval Base regarding the possibilities of administering a PE Exam.

FINANCIAL REPORT

Mr. Hester announced that due to relocating, this is his last Board meeting. He discussed the Profit & Loss Budget vs. Actual statement for the period July 1, 2003 through January 31, 2004; the two-year fiscal period is approximately 30% complete. As of January 31, 2004 the agency checking account held \$255,101 and the sweep account held \$404,834. The Board had a reserve of approximately \$660,000. As of the end of January 2004, most income items received are within an acceptable range of the budget estimates. The only income categories that substantially exceed the budget are Civil Penalties and Miscellaneous Income. In addition, most expense items are within an acceptable range of the budget. Only Government Services, Publicity & Publications, and Dues & Subscriptions substantially exceed budget estimates due to unforeseen cost increases and NCEES member board fees. Originally, it was anticipated that expense would exceed income for this biennium. Currently, it is estimated that the total actual income may exceed the total actual expenses, however, it is too early in the biennium to accurately determine if the trend will continue.

The Board has received the Audit Report covering the last three years. Only one minor issue was addressed in the Report, which Ms. Lopez and Ms. Gilbert took corrective action immediately and was confirmed in the Audit Report. Discussion took place regarding the quality of the report due to the brief 2 ½ days spent in the office conducting an audit for a time span of three years. It was also noted by Mr. Hester that a Management Letter was not issued which

normally is issued when an audit has taken place. He explained that he checked with other Semi-Independent Boards and found the same results regarding the Management Letter. Mr. Hester also explained that he has spoken with the Secretary of State Audits Division. The Audits Division is aware of the concerns involving the audits being conducted for Semi-Independent agencies. The Board has requested Mr. Hester to outline the scope of work that needs to be provided in an audit to comply with the Government Auditing Standards and to use as a guideline when the Board chooses to solicit proposals from independent certified public accountants as provided in ORS 182.464. It was also stated by Mr. Hester that it would be in the best interest of the Board to conduct an audit after each biennium.

LAW ENFORCEMENT COMMITTEE

Prior to presenting the LEC Report, Committee Chair, Bob Neathamer thanked Mr. Hester as he leaves the Board for all of his hard work and dedication as an LEC member.

Consent Calendar

Mr. Neathamer reported that the Committee held a meeting on February 13, 2004. As a result, the following four cases were placed on the consent calendar to be closed: 1029 (Tom Ferrero, closure code other), 2238 (Dustin Wasley, allegations unfounded), 2239 (William McKinley, insufficient evidence), 2288 (Aidan Graham, allegations unfounded).

It was moved and seconded (Neathamer/Hester) to adopt the consent calendar. Mr. Walker requested that case 1029 (Tom Ferrero) be removed from the consent calendar. President Albright granted the request. The motion passed, approving the consent calendar with the exception of case 1029.

1029 – *Tom Ferrero*: A discussion of whether to close this case ensued. President Albright informed the Board that in addition to the Law Enforcement Committee, this case was discussed by the Joint Committee and that they have recommended closing this case. It was moved and seconded (Walker/Dyrnes) to leave the case open for further review. The motion did not pass. It was then moved and seconded (Hester/Linscheid) to close the case. The motion passed with Mr. Walker and Mr. Dyrnes being opposed.

Recommended Board Actions

2290 – *Doug McMahan*: Mr. Neathamer chose to recuse himself from any discussion or decisions made relating to this case. Ms. Dahlin summarized the settlement agreement that was drafted following the February 13, 2004 informal conference with the respondent. It was moved and seconded (Linscheid/Hester) to approve the settlement agreement. The motion passed with Mr. Neathamer abstaining.

2293 – *James Andrews*: Mr. Neathamer summarized the settlement agreement that was drafted following the February 13, 2004 informal conference with the respondent. It was moved and seconded (Neathamer/Dyrnes) to approve the settlement agreement. The motion passed.

Mr. Linscheid proposed the idea of issuing a press release in the local area in which the above named respondents practice. Ms. Dahlin suggested that the Board develop a policy for issuing

press releases. By a show of hands, the Board indicated that it would be in favor of drafting such a policy. External Relations Committee Chair, Mr. Taylor, was asked to draft a policy for review.

Miscellaneous

LEC Mission Statement: The Committee approved a new mission statement at the February meeting. It was moved and seconded (Neathamer/Linscheid) to adopt the LEC Mission Statement. The motion passed.

Disciplinary Procedures: Mr. Neathamer informed the Board that the committee approved a document containing disciplinary procedures and an updated law enforcement flow chart. The Board agreed that these documents were for information purposes only and did not need to be approved by the Board.

Notice of Intent: The task of signing NOI's will once again be a duty of the Executive Secretary, rather than the LEC Chair.

2262 – *Ron Sellards:* Sellards submitted the required reports as agreed to in the settlement agreement. Mr. Walker reviewed the reports. The Board agreed that according to the final order, compliance had been met for all of the stipulations and that this matter was closed. Sellards' license is to return to an active status.

Subject Matter Experts: Mr. Walker suggested that the LEC use a subject matter expert during informal conferences when necessary to assist in the drafting of settlement agreements. Mr. Neathamer asked Mr. Walker if he would volunteer as a peer reviewer after he leaves the Board. Mr. Walker stated that it may be a possibility.

OIT Ethics Course: Staff needs to contact OIT concerning the development of an ethics course to be used by the LEC. Information regarding the New Mexico State University Surveying Ethics course should be forwarded.

PLS Exam Applications: Two of the recent PLS exam applications contain issues suitable for law enforcement cases. Staff to open new case files soon to look into the matter.

Hearings

2150 – *James Jones:* A hearing with the Office of Administrative Hearings (OAH) is scheduled for June 21, 2004. A settlement conference with the OAH is also scheduled for March 25, 2004.

2211/2213 – *Perry Wickham:* A hearing with the OAH is scheduled for May 4, 2004 and an informal conference with the LEC is scheduled for April 8, 2004.

2294 – *Scott Nettleton:* An informal conference with the LEC was held on February 13, 2004. A settlement was not agreed upon. This case will have to proceed to a hearing with the OAH. A referral has been sent to their office.

Court Proceedings

Becklin Appeal: Oral arguments were held on January 28, 2004. Brian Halfman was in attendance. A ruling from the judges should be passed down within the next couple of months.

PROFESSIONAL PRACTICES COMMITTEE

The Professional Practices Committee met on February 27, 2003 and discussed the following matters:

Industrial Exemption – Sause Brothers Towing

The Committee received an inquiry from Sause Brothers Towing regarding licensure requirement for work performed by the company. The Committee consulted with AAG Kathi Dahlin for a response to this matter. The response stated that the work performed by Sause Brothers is exempt. The engineering design work is not offered directly to the general public.

Conflict of Interest – City Engineer

An inquiry was received regarding a PE who has been contracted to be the “City Engineer.” The City Engineer also has his own private engineering firm. The city does not use another PE to perform a plan review of the work done by the firm of the City Engineer. The inquirer believes that the city should be utilizing another individual to review this work. A response was given stating the City Engineer, if also employed in the private sector, should not perform a plan review of their own plans submitted from their practice. This practice would violate OAR 820-020-0030(1), (2) and (4).

Federal Surveyors – Kyle Hensley

Kyle Hensley was studying the proposed “Model Law Changes – 2003” and inquired about the licensure of federal land surveyors conducting surveys on federal land boundaries. The Committee consulted with AAG Kathi Dahlin for a response to this matter. The response to Mr. Hensley stated that the Oregon laws governing land surveying do not define surveying to either include or exclude the surveys of federal or public lands. In general, federal lands within a state are subject to federal authority to control their occupancy and use and to protect the lands from trespass and injury.

Master Plan Documents – Steve Murray

The Committee received an email from Steve Murray concerning the expectations for signing Master Plan documents. Does a Master Plan require seal and signature? The Committee responded referring to ORS 672.005 Additional definitions. Since the Committee did not have enough information to judge whether the material for the Master Plan required engineering judgment, a question to guide the decision making process was given. If the work contained in the document requires any type of engineering judgment, then the plans should be signed and sealed.

Software Engineering Services – Patrick Barrett

Patrick Barrett, a registered professional engineer in the State of Oregon, inquired if he could advertise “Software Engineering” services. AAG Kathi Dahlin and the February 1999 newsletter were consulted in the response to Mr. Barrett. He was informed that as a PE in Oregon and the

Principal Engineer of Barrett & Associates Engineering, he may advertise “Software Engineering” services to the public. “Software Engineering” is not a discipline reserved by a title act.

County Road Official – Mike Bezner

Mike Bezner contacted the Board office regarding his concern about a position known as the County Road Official. The Committee responded after a review of the definition and the duties listed in ORS 368.046, stating this position does not require a licensed engineer to fill the position.

Port of Portland

The Committee received a memo from the Port of Portland outlining various professional practice questions. Questions and answers are available at the Board office.

Permit Process – John Hardey

An inquiry from Mr. Hardey regarding the permit process was misunderstood which was followed by an incorrect response. Another response to remedy the situation and to clarify the permit process was sent to Mr. Hardey and the Building Codes Division. Mr. Hardey was informed that consultations may be requested prior to applying for a permit; however, permits are issued upon final documents only.

Native American Tribal Lands – Mark Van Duser

A letter was received from Mark Van Duser, Epsilon Engineering. He inquired about licensing requirements to perform engineering services on Native American Tribal Lands. The Committee consulted with AAG Kathi Dahlin for a response to this matter. Mr. Van Duser was informed that each circumstance must be analyzed individually in respect to Native American Tribal Lands.

Contract Language – Anderson-Perry & Associates

A request was made by Anderson-Perry & Associates to review the language in a contract they may enter into with the Oregon Department of Transportation. After consulting with AAG Kathi Dahlin, the Committee responded that the Board does not have the authority to provide legal opinions to registrants or the public and to consult their own legal counsel for further advice.

Scope of Supervising Electricians – Jennings Ruffing

The Committee replied to Mr. Jennings Ruffing’s presentation at the January 13, 2004 Board meeting. The Committee consulted with AAG Kathi Dahlin for a response to this matter. The response stated that licensed supervising electricians cannot prepare construction drawings for general contractors, architects or developers when the drawings are not used to make actual electrical installations for those same persons.

Standards of Surveyors – Tom Perry

An email from Tom Perry requested information about accepted, reliable standards of precision in reference to the work of a registered land surveyor. The Committee will consult with AAG Kathi Dahlin for a response to this matter. The response will also reference Mr. Perry to ORS

Chapters 92 and 209 regarding land surveying and encourage him to file a complaint if he felt there was negligence involved.

City of Coburg – Scott Olson

Scott Olson requested guidance from the Committee regarding a project for the City of Coburg. The previous engineering firm was terminated and replaced by Mr. Olson's current firm. There is uncertainty as to whether the construction prints and project manual are final documents. The prints and manual were both signed and sealed, however, the inside cover of the manual was also marked preliminary. Due to this, Mr. Olson contacted the previous engineering firm for a cost proposal to modify the plans and they refused to make any changes. Marking documents as "Preliminary" creates ambiguous situations and is discouraged. The Committee informed Mr. Olson to use his best engineering judgment considering the situation he is in. The Committee will also encourage the City of Coburg to file a complaint if they have received final documents not prepared as prescribed in ORS 672.020 and OAR 820-010-0620.

BLM Questions – Tom Wilczek

An email from Tom Wilczek at BLM was received regarding questions that arose from the "Exemptions to P.E. and P.L.S. Licensing" article written by Ron Stuntzner in the Summer/Fall 2003 newsletter. The Committee will invite Mr. Wilczek and the legal counsel to BLM to a future Committee meeting that will also include Kathi Dahlin, AAG.

ODF – Ross Holloway

Correspondence from Ross Holloway, State Forests Program Director was received. It identifies concerns regarding Forest Engineering Supervision required by a Professional Engineer and suggests a larger work group be assembled to investigate further circumstances. The Committee would like to assemble a workgroup and invite them to a future meeting.

REFERENCE MANUAL FOR BUILDING OFFICIALS:

Sue Laszlo, Mari Lopez and Jennifer Gilbert met with the members of the Architect Board, Carol Halford, Administrator; Kellee Conner, Assistant Administrator; and Barbara Sestak, Board member on February 25, 2004. The decisions made at the meeting included a revision to the existing schedule for completing the reference manual; the contents; and assignments for individuals. The exact date of the next meeting is yet to be determined. It will be held in the month of April.

Architect Stamp – Ravi Mahajan

A response to Ravi Mahajan, Building Codes Division regarding a request by another Building Official to have plans and calculations stamped by an architect or engineer still needs revision. AAG Kathi Dahlin will review the matter and consult with the Committee for a response.

Plan Reviewer Requirements

The requirements for Plan Reviewers will be discussed with Mark Long, Administrator of Building Codes Division at a future meeting with the Architect Board. This discussion relates with the preparation of the Reference Manual for Building Officials.

EXTERNAL RELATIONS COMMITTEE

Mr. Taylor stated that the External Relations Committee did not meet during the interim. However, he kept the members of the Committee abreast with his activities.

Mr. Taylor traveled to Baltimore to attend a NCEES policy task force group meeting on the issue of Fire Protection Engineering on January 17, 2004. The task force was initiated as the result of a proposal by the Idaho Board at the August 2003 NCEES Annual Meeting. This proposal recognized that non-licensed individuals were carrying out a substantial amount of fire protection design work in Idaho and other jurisdictions. The Fire Protection Task Force met with the Design/Build Task Force and each wrote a policy which was further refined in a joint session. The task forces consider that the design of fire protection systems is a life and safety issue; therefore engineers trained and competent in the fire protection codes and design should perform this.

Mr. Taylor has been attending meetings, as an interested party, at the State Building Codes Division in the matter of the implementation of Senate Bill 711. SB 711 was passed in the last legislative session. The State Building Codes Division assembled a committee to formulate rules necessary to interpret and enforce the impact of SB 711.

Mr. Taylor also attended a meeting of the Advisory Committee on Council Activities (ACCA) on February 7, 2004. This Advisory Council meets annually to review the overall policies of NCEES and make recommendations as necessary. At this meeting, nine issues were presented to the Committee. Mr. Taylor was given the charge of reviewing Examination Policy (EP) -16 and EP-25, which covers present policies on foreign examinations. He made a recommendation to add the wording "or officially sanctioned foreign groups" which would have the effect of allowing JPEC to obtain formal recognition and work directly with NCEES. The recommendation to broaden the wording was rejected. Mr. Taylor will give the Committee Report at the April 2004 Western Zone Meeting in Las Vegas, Nevada.

RULES AND REGULATIONS COMMITTEE

The Rules and Regulations Committee met on February 27, 2003 to discuss draft revisions of proposed rules and statutes. Mr. Walker briefly discussed items which are outstanding.

Professional Conduct

The proposed rule for professional conduct was reviewed along with the response from AAG Kathi Dahlin regarding House Bill 3120 and the proposed definition (OAR 820-020-0040). The Committee will conduct further research and make additional changes as recommended by Ms. Dahlin.

Status Definitions

The Committee discussed the current definitions for a license status and referred to a memo from AAG Kathi Dahlin. After further review the Committee concurred to the characterization of registrants and will provide a draft proposal for definitions at the next Board meeting.

Review of Comity Requirements

The original request by the Examination & Qualifications Committee to review the consistency of requirements on applications by comity was given back them for clarification.

Clarifying Structural Requirements

This information was given to Structural Engineers Association of Oregon (SEAO) for review. The reviewed document will be proposed at the May Board meeting.

Activities within Surveying Practice

OAR 820-030-0070 is a companion to the proposed legislative change of the Surveying Model Law. This will be provided at the May Board meeting.

Mr. Walker directed the member's attention to the Proposed Legislative Changes to ORS Chapter 672 found in the Board packets.

Proposed Legislative Change ORS 672.060(10)

This change adds "other than a person registered under ORS Chapter 672.002 to 672.325". The purpose of this change is to ensure registrants are not exempt from the laws governed by OSBEELS. It was moved and seconded (Walker/Linscheid) to submit the proposed statute change to Legislative Counsel. The motion passed unanimously.

Proposed Legislative Change ORS 672.129(B)

This changes "and" to "or" in defining an essential facility. The proposed modifications will make the ORS 672.129(a)(B) and (b)(D) consistent with each other and consistent with the Oregon State Structural Specialty Code section 106.3.2, the Architect's Law ORS 671.030(2) and the Engineer's Law ORS 672.060(10). It was moved and seconded (Walker/Dyrnes) to submit the proposed statute change to Legislative Counsel. The motion passed unanimously.

Surveying Model Law

Changes to ORS 672.002 (4), (5) and ORS 672.005(2) would modify definitions pertaining to Land Surveying. The Model Law also proposes a provision for Grandfathering of Photogrammetrists. It was suggested that items 1 – 5 in this provision be moved to an OAR. This will allow the Board to adopt or amend rules as necessary. Ms. Dahlin will review the Model Law and offer appropriate language for an ORS. It was moved and seconded (Walker/Dyrnes) to submit the concept to Legislative Counsel subject for word-smithing. The motion passed unanimously.

EXAMINATION AND QUALIFICATIONS COMMITTEE

Mr. Stuntzner welcomed Carol Halford and Kellee Conner from the Architect Board of Examiners to the meeting. He then directed the attention of the Board to the information distributed in the Board packets pertaining to the NCEES Architectural Engineering Exam. Discussion centered on overlap of the scope for engineers and architects in exam content and practice. Ms. Halford stated that the Architect Board is currently pursuing disciplinary action on those who violate ORS 670.020(2). It was noted that with the recent establishment of the NCEES examination for Architectural Engineering, the Washington Board of Registration for

Professional Engineers and Land Surveyors has taken the position that they will recognize those passing this examination with a Washington license in *Building Systems Engineering*, due to the violation of their licensing act, which places restrictions on the use of the term “Architectural”. Ms. Halford stated a casual poll reflects that the Architect Board would not be opposed to this terminology if adopted in Oregon. At this time there is no intent to establish a branch without a petition (per OAR 820-010-0450). OSBEELS will keep the Architect Board informed of any future discussions regarding this matter.

Discussion commenced regarding the Committee report that was included in the packet. Mr. Stuntzner explained the Committee reviewed 82 applications for re-examination. At the conclusion of the review, the Committee established three categories in which applications were placed:

1. Those allowed into the exam based on sufficient evidence of further preparation submitted,
2. Those that will be denied based on insufficient evidence of further preparation in addressing the areas they are deficient, and
3. Those that will be allowed into the exam based on material submitted, but will need to submit significant evidence of further preparation from previous attempts before being allowed into the exam again.

He distributed copies of the reapplication policy, the denial letter and the last chance letter.

Administration of examinations in Tokyo, Japan by JPEC was discussed in regards to the confusion of equivalency evaluations required. President Albright hopes to dissolve this confusion during his visit. Mr. Stuntzner mentioned the possibility of John Anderson’s unavailability as a supervising proctor in the future for the administration of exams on a military base in Korea. If Mr. Anderson will be unable to continue the current process, examinations in Korea will need to be re-evaluated.

Comity Applications – Mr. Stuntzner directed the members’ attention to the list of applicants seeking registration by comity. It was moved and seconded (Stuntzner/Linscheid) to approve the list of 89 applicants as presented. The motion passed unanimously.

Geotechnical Application – Mr. Stuntzner directed the members’ attention to the list of applicants seeking registration by prior practice. It was moved and seconded (Linscheid/Laszlo) to approve the list of 7 applicants as presented. The motion passed unanimously.

Mr. Stuntzner noted representatives from the Geology Board, Water Resources Department (WRD), and Regulatory Streamlining attended the committee meeting to discuss the licensing of Certified Water Rights Examiners (CWRE). Discussion centered on concerns regarding liability and the conflicts within the rules and laws. Ms. Lopez stated she recently received communication from Dwight French requesting to pursue a Memorandum of Understanding (MOU) either until the program is transferred to WRD or in the case this transition fails. Ms. Dahlin suggested an interagency agreement instead of a MOU be signed until legislative changes can be made. The Board requested Ms. Lopez and Ms. Dahlin meet with Mr. French and the WRD Assistant Attorney General to pursue an interagency agreement. Ms. Dahlin stated the statutes governing the certification of Water Rights Examiners were incoherent, inconsistent and

shouts out for the help from the Governor's Streamlining Agency. It was moved and seconded (Stuntzner/Laszlo) to move the licensing process for CWRE's to the Water Resources Department. The motion passed unanimously.

For information purposes, Mr. Stuntzner stated that enclosed in the Board packet is a notice from NCEES regarding an increase in exam fees. These fees will go into effect for the October 2004 administration.

Mr. Stuntzner expressed a concern regarding the waiver of references for potential examinees. According to some applicants, it is difficult to provide the required number of registered professionals to verify experience accrued. After discussion Mr. Albright stated that per OAR 820-010-0255 the Committee should put such cases on a consent agenda and allow the Board to vote on approval. It was also stated by Ms. Dahlin that the number of PE or PLS references required could be reduced, not eliminated.

An opinion from Ms. Dahlin regarding the confusion in the characterization of registrants as active, inactive, exempt, delinquent and retired was briefly discussed. The Rules and Regulations Committee is handling the issue and a draft copy of revisions will be distributed at the May Board meeting.

Mr. Stuntzner turned the discussion over to Mr. Walker regarding the Structural exam. Due to the recent changes in the Structural Exam provided by NCEES, a group consisting of State Licensing Board Members and Structural Engineer Association Delegates met on February 18, 2004 in Seattle, Washington. Based on this multi-state/province meeting (WA, OR, CA, IL, BC), Mr. Walker provided a recommendation to the Board. His recommendation is for the Oregon Board to replace the Structural I Exam with the Washington Structural III Exam. In addition to Washington Structural III, Oregon would proceed with the Structural II Exam provided by NCEES to complete the basic 16-hour exam. This recommendation is based on ORS 672.129(2) and correspondence providing support from the Structural Engineers Association of Oregon. Mr. Walker also noted this could not be accomplished until October 2005 and for the Board to continue with the Structural I & II exams provided by NCEES for the October 2004 administration. It was moved and seconded (Stuntzner/Dyrnes) to accept Mr. Walker's recommendation of replacing the NCEES Structural I and to purchase Washington's Structural III for the October 2005 exam administration. The motion passed unanimously.

UNFINISHED BUSINESS

Ms. Lopez noted the discussion regarding the Lobbyist proposal did not take place during External Relations report. President Albright proceeded to ask for a motion from the Board. It was moved and seconded (Stuntzner/Walker) to participate in portions 1 and 2 of the proposal from Mr. VanNatta. The motion passed with one abstention (Hester).

NEW BUSINESS

Mr. Taylor asked the members of the Board if anyone wished to write an article for the upcoming Spring/Summer Newsletter. April 30, 2004 is the deadline to submit articles for publishing.

Mr. Taylor suggested placing a question and answer portion to the website. Ms. Laszlo stated that it would be difficult to determine which topics to post since most situations are case sensitive. President Albright said that this would be a topic for the External Relations Committee to discuss at a future Committee meeting.

ADJOURN

The meeting was adjourned at 3:20 p.m.

NEXT MEETING

May 11, 2004.