

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

Minutes of Meeting  
September 19, 2006

**CALL TO ORDER**

President Neathamer called the meeting to order at 9:00 a.m. in the Conference Room of the OSBEELS office at 670 Hawthorne Avenue, S.E., Suite 220, Salem, Oregon 97301.

**Members Present:**

Bob Neathamer  
Edward Butts  
Grant Davis  
George Gross  
Mari Kramer  
Susanna Laszlo  
Dan Linscheid  
John Seward  
Ron Stuntzner  
Carl Tappert

**Visitors Present:**

Marvin Pyles, OSU Forest Engineering Department  
Schuyler Dury  
Bradley Matney  
Stu Albright, Ash Creek Associates, Inc.  
Brad Hupy, AMEC  
Stan Kelsay, GRI

**Others Present:**

Mari Lopez, OSBEELS Executive Secretary  
Jennifer Gilbert, OSBEELS Executive Assistant  
JR Wilkinson, OSBEELS Investigator  
Kathi Dahlin, Sr. Assistant Attorney General

**APPROVAL OF AGENDA**

Ms. Laszlo requested to add Item B: Status of Reference Manual under Professional Practices; Discussion of Digital Signatures under Unfinished Business; and Item A: Calculator Policy, Item B: B + 30, Item C: Exam Irregularities, and Item D: Compliance and Security Self-Audit under New Business. President Neathamer requested to add Executive Session under the Executive Secretary's Report and Discussion on Quorums under the President's Report. It was moved and seconded (Laszlo/Davis) to approve the agenda as amended. The motion passed unanimously.

## **APPROVAL OF MINUTES**

It was moved and seconded (Linscheid/Laszlo) to approve the minutes, as distributed, for the meeting of July 11, 2006. The motion passed unanimously.

## **PUBLIC INPUT**

President Neathamer welcomed the guests in attendance and asked them to introduce themselves. Marv Pyles stated he was here to offer his personal comments on the B + 30 and to also offer the professors at OSU if anyone should have questions from the perspective of an educational institution. Schyler Dury and Bradley Matney both stated they were in attendance to discuss their applications for the October 2006 exam administration. President Neathamer informed them the appropriate time for discussion was under the Examinations and Qualifications Committee portion of the agenda.

## **EXECUTIVE SECRETARY'S REPORT**

### Committee Activities

Ms. Lopez reported that the Examinations and Qualifications Committee, Law Enforcement Committee, Professional Practices Committee and Rules and Regulations Committee each met during the interim. In addition, a Joint Compliance Committee meeting was held with members from OSBEELS and OSBGE. She noted that the Committee minutes were included in the packets.

### Administrative Activities

#### *Oregon Specific Examinations*

Ms. Lopez stated that there are 42 applicants scheduled to take the Oregon Specific exams this October in Eugene, OR.

### *ELSE*

Ms. Lopez reported that the arrangements for the October examinations are complete. 221 applicants are scheduled to take national exams in Oregon and 156 applicants are scheduled to take exams outside Oregon.

### *Board and Commission Member Training*

Ms. Lopez reported that she and Carl Tappert attended a Board and Commission Member Training held on September 12, 2006. A key issue discussed related to the Board and Commission Best Practices Management. In July 2006, the Joint Legislative Audit Committee approved a Best Practices Performance Measurement for Governing Boards and Commissions for the 2007-09 biennium. The first report on the performance measurement is due September 30, 2008. However, at this time it is unclear whether OSBEELS will be required to complete this report, but Ms. Lopez will follow-up with the Legislative Fiscal office to clarify reporting requirements.

### *SIBA*

Ms. Lopez reported that a Semi-independent Board Administrators (SIBA) meeting was held on September 13, 2006 and that Ms. Gilbert was in attendance. Ms. Gilbert reported that

miscellaneous issues were discussed; however, one of the highlights of the meeting was a presentation by Pamela Klecker, Reports Coordinator for Unclaimed Property from the Department of State Lands. Ms. Klecker provided valuable information to assist the Boards/Commissions on the process of filing reports of unclaimed property (tangible or intangible).

#### *WZ Meeting 2007*

Ms. Lopez noted that the NCEES director of finance contacted her concerning the WZ 2007 budget. Since the budget is scheduled for review at the November Board of Directors meeting, further information will be forwarded for the External Relations Committee meeting in October.

#### *Secretary of State Audits Division*

Ms. Lopez stated that Merina & Company, LLP of West Linn, OR completed the Board's audit and the report is located on the Secretary of State's website - <http://www.sos.state.or.us/audits/reports/agency/engineering.html>.

#### *Board Vacancies*

Unfortunately, Ms. Lopez informed the Board that the public member position has yet to be filled. There was no feedback or inquiries resulting from the article placed in the Accountancy Board's newsletter.

#### *Staffing*

Ms. Lopez informed the Board that interviews were held on September 5<sup>th</sup> thru September 8<sup>th</sup> to fill two receptionist positions and two licensing specialist positions. Jennifer Carmack turned in her resignation on August 7, 2006. She noted that Jennifer was an Office Specialist for OSBEELS from November 24, 2003 until August 31, 2006.

**President Neathamer took the Board into Executive Session as provided by ORS 192.660 (2)(b) to discuss complaints against the board or employee.**

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

President Neathamer briefly stated that a complaint was filed against the administrator of OSBEELS and the Board. Additionally, the Semi-Independent Board Administrator (SIBA) group requested a response from the Board. It was moved and seconded (Laszlo/Kramer) that AAG Dahlin draft a response to the SIBA group. The motion passed unanimously.

### **PRESIDENT'S REPORT**

President Neathamer opened discussion on what constitutes a quorum. At the recent 2006 NCEES Annual Meeting, Mr. Butts noticed the amount of delegates from the Oregon Board and felt he was unable to attend the business sessions to avoid having a quorum. AAG Dahlin clarified the meaning of the public meeting law. There was further discussion on these meetings and how the Board will comply with the law as the host of the 2007 NCEES Western Zone Meeting. Ms. Lopez will request additional information from NCEES. It was moved and seconded (Butts/Davis) to limit the number of delegates attending out-of-state meetings to 5 members. The motion passed unanimously.

President Neathamer also informed the members that a meeting is scheduled to be held the following week to finalize the Oregon 4-hour Specific Examination. He also noted that a strong suggestion to enter into a contract to prepare and grade the exams will be made to the volunteers. The last outstanding appeal should also be completed at this meeting.

## **FINANCIAL REPORT**

Ms. Gilbert stated that the Finance Committee did not hold a formal meeting in August. Current financial information was provided in the packets for review. Ms. Gilbert noted that information provided is from the latest data reconciled to available bank statements. The two-year fiscal period is approximately 50% complete. She also noted that information from the monthly account register was provided in Board packets as requested at the July Board meeting.

## **LAW ENFORCEMENT COMMITTEE**

Mr. Linscheid reported that the Law Enforcement Committee met on August 8, 2006, to discuss the following matters:

### Contested Case Hearings

2339 – *Robert Bowser*: An informal conference was held on August 8, 2006. A settlement was not agreed upon during the meeting. The matter has been scheduled for a two-day hearing with the Office of Administrative Hearings on January 24<sup>th</sup> and 25<sup>th</sup>, 2007.

### Consent Calendar

There were five cases on the consent calendar: 2333 (Dodge), 2341 (Clackamas County), 2373 (Riley), 2380 (Lovemark), and 2424 (Nygren). It was moved and seconded (Laszlo/Linscheid) to approve the consent calendar containing cases 2333, 2341, 2373, 2380, and 2424. The motion passed. Mr. Seward abstained from the vote due to possible conflict with case 2380.

### Recommended Board Actions

2390 – *Leslie Killingsworth*: Mr. Killingsworth entered into an agreement that he would not attempt to reactivate his retired engineering and land surveying licenses and that he would not practice engineering or land surveying in Oregon. He also understood that the Board would not, at any time, re-activate his engineering or land surveying licenses. It was moved and seconded (Linscheid/Butts) to approve the Final Order Incorporating Settlement Agreement. The motion passed unanimously.

2402 – *Early McKinney*: A Notice of Intent to Revoke was issued base on action taken by the Kentucky Board. Mr. McKinney failed to request a hearing on the matter. The Committee recommended that the Final Order Upon Default be approved by the Board to revoke the engineering license of Mr. McKinney. It was moved and seconded (Laszlo/Linscheid) to approve the Final Order Upon Default. The motion passed unanimously.

2348 – *Ruben Martinez*: Copies of the draft Amended Final Order were distributed to the Board. Mr. Martinez failed to make his scheduled civil penalty payments. Mr. Martinez also has not filed the map of survey involved with this case. However, this was not a stipulation of the original settlement agreement. Staff contacted Mr. Martinez and negotiated a new settlement

agreement. The amended agreement included a stipulation that Mr. Martinez will file the map of survey and a shift in the civil penalty payment timeline to give him additional time. Another stipulation was added to give the Board the ability to issue a Notice of Intent to Revoke Registration if Mr. Martinez failed to comply with the amended agreement. It was moved and seconded (Linscheid/Stuntzner) to approve the Withdrawal of Final Order Incorporating Settlement Agreement and Amended Final Order Incorporating Settlement Agreement. The motion passed unanimously.

#### Miscellaneous

*Notice of Disciplinary Action in Another Jurisdiction:* The Committee reviewed a memorandum from staff indicating a plan for a new policy. OAR 820-020-0045(6) states that registrants need to inform the Board of any disciplinary actions taken against their licenses by other jurisdictions. Staff proposed that the Board adopt a policy for handling the information once it is retained by the Board office. The Committee agreed with the information in the memo and directed staff to proceed with drafting the policy. There was no further discussion on the matter.

*Collection of Civil Penalties Policy:* Staff asked the Committee for guidance on the methods to be used in collecting civil penalties. The Committee agreed that a Board policy should be adopted. Staff will follow-up with additional research which will be presented at the next meeting.

*Reviewer Selection Policy:* This policy will help guide the Board in selecting reviewers now that the RFQ has been issued. The LEC recommended that the Board adopt the new policy. It was moved and seconded (Laszlo/Linscheid) to approve the Professional Reviewer and Expert Witness Selection Policy (Rev 8/14/06). The motion passed unanimously.

*RFQ Status:* The RFQ for the professional reviewers and expert witnesses was issued on August 11, 2006. As of September 11, 2006, the Board office received one Statement of Qualifications. The RFQ was posted on the OSBEELS website and an announcement will be placed in the OSBEELS newsletter. Staff contacted several professional organizations to inform them of the issuance of the RFQ. Most of the organizations were willing to help by posting a notice on their website or publications. Announcements have appeared in the SEAO September newsletter and on the PLSO and OACES websites. The Board may need to survey registrants to see if they are interested and why they are not applying if further interest is not generated. Mr. Butts will follow up with PEO to get the announcement in newsletter and on the website. Discussions at professional associations meetings may induce additional applicants. As a side note, Washington is using former Board members to review case files.

#### Joint Compliance Committee (JCC)

Ms. Laszlo reported that the Joint Compliance Committee met on August 30, 2006, at the Geology Board office to discuss the following matters:

*JCC Outreach:* It was recommended by the JCC that OSBEELS draft an article for the newsletter concerning the activities of the JCC and the current interpretation of ORS 672.545(3)(a).

*Coastal Activities:* Susanna Knight, OSBGE Administrator, will be contacting the Association of Oregon Counties (AOC) and the League of Oregon Cities (LOC) to discuss the possibility of

an OSBEELS/OSBGE panel discussion with coastal planners regarding geologic hazard reports and the coastal process both as an education and a dialogue. Mr. Linscheid suggested issuing a letter to the AOC and LOC on the Board's position. In any event, the Board and staff should be proactive and participate in the organizing of any event they will be participating in. The Board will wait and gather further information before proceeding with any action.

*JCC Case Categories:* The JCC abandoned the categorization of new cases and will focus on three basic questions when evaluating cases:

- 1.) Is the respondent practicing within their area of competence and scope of their profession?
- 2.) Is the quality of work up to accepted professional standards?
- 3.) Does the practice of the respondent jeopardize the safety or welfare of the public?

Mr. Seward had some reservations about question number three on the list in that this question should be addressed later in the law enforcement process. A discussion of this item will continue at the next JCC meeting.

*Tyler Creek Wasteway Restoration Design:* It was recommended that both Boards proceed with different aspects of this issue. OSBEELS to open a new law enforcement case file.

*2416 – William Galli:* OSBEELS staff updated the JCC on the status of the investigation. A peer review report and a completed case summary will be reviewed at the next meeting.

*Mississippi Board:* OSBEELS members updated the JCC on the status of the proposed NCEES resolution recognizing geologic and geotechnical engineering. Since the JCC meeting, the Mississippi Board rescinded the resolution.

*Next JCC Meeting:* The next JCC meeting will be held in January 2007.

#### Case Status Report/Settlement Agreement Monitoring

The Board packet included a copy of the case status report and the settlement agreement monitoring report. Mr. Linscheid informed the Board on the following cases:

*2381 – Robert Bowser:* This case is not combined with case 2339 which is set for a contested case hearing.

*2433/2318 – Thomas Burton:* These two cases have been combined in a Notice of Intent.

It was noted that there has not been any recent right of entry violation cases. PLSO has made an effort to inform registrants of the importance of using the door hangers. PLSO will be updating the door hangers to be fully compliant with the statute. A question also arose concerning the requirement in ORS 672.047(4) that states the written notice to the landowner must state the purpose of the survey. Registrants claim that in some circumstances their client does not want them to disclose certain information such as the purpose of the survey. The Board felt that a minimal answer stating the purpose, such as stating that the purpose is to perform a topographic survey would be sufficient to comply with the statute. The answer need not explain further what the topographic survey would be used for.

2291 – *Dale Marx*: Mr. Wilkinson informed the Board that this case has been referred to the OAH for a hearing on December 1, 2006.

## **PROFESSIONAL PRACTICES COMMITTEE**

Ms. Laszlo reported that the Professional Practices Committee met on August 9, 2006, to discuss the following matters:

### *Franchise Utilities in the Public Right of Way*

Ms. Laszlo reported that a guest discussion was held with representatives of Verizon, City of Hillsboro, Association of Oregon Counties, League of Oregon Cities, and NW Natural as a follow-up to the June Professional Practices meeting. She reminded the members that Peter Martins, Assistant Water Director for the City of Hillsboro, had concerns about franchise utilities constructed in the public right-of-way without a registered professional engineer in charge of design work. After a lengthy discussion, the Committee determined that franchise utility companies might fall under the exemption in ORS 672.060(6) when they are providing the design work in-house for their utility company. Ms. Laszlo noted that the Committee informed the representatives that there is no blanket response or broad exemption that would cover every situation. She also noted that the Committee offered to address specific questions brought to their attention and could review situations and conditions on an individual basis. One of the important factors the Committee would consider determining if an exemption applied, is if the design work was contracted for completion or if the utility company does the work itself. It was also noted that land surveying is not included in the exemption, ORS 672.060(6). New definitions in the laws may require the franchise utilities to employ a professional land surveyor when locating their utilities within the right-of-way. To ensure that the utility companies were represented properly for this issue, Ms. Laszlo stated that further discussion regarding land surveying will be held at the October meeting.

### *Stamping Traffic Control Plans*

Ms. Laszlo briefly updated the members on an email regarding traffic control plans. There was concern regarding traffic control flagging companies that design traffic control and detour plans without a professional engineer. The example provided to the Committee did not fall into the definition of engineering, ORS 672.005(1)(a) and staff responded accordingly.

### *Stamping of Plans and Specifications*

Ms. Laszlo briefly informed the members about correspondence inquiring on a suitable way to provide clients an electronic product and still comply with applicable state laws. She stated that after reviewing scenarios provided in the correspondence, the Committee was unable to advise on a business practice, but referenced OAR 820-010-0620 for compliance in stamping documents. She also noted that the response included a note that the Board supports the concept of digital signatures.

#### *Follow-up to City of Pendleton Site Plan Checklist*

Ms. Laszlo informed the members that an inquiry was received from Gary Kopperud regarding the requirements for residential site plans with the City of Pendleton. She noted that after a brief review of the information provided, the Committee decided a teleconference with Mr. Kopperud would be appropriate to discuss his questions. The teleconference was held on Friday, August 25, 2006 at 9:00 a.m. with Sue Laszlo, Ron Stuntzner, Carl Tappert, Jennifer Gilbert, Brian Halfman, and Gary Kopperud. She briefly informed the members each of the six scenarios presented in his July 31, 2006 letter were discussed. She noted that Mr. Kopperud is making every effort to be clear what he can do as a non-licensed designer and the Committee recommended that he become familiar with the laws and rules pertaining to the practice of engineering and the practice of land surveying, ORS 672 and OAR 820. She also stated that the Committee reiterated that issues such as liability are not within the Board's jurisdiction and that he should consult with an attorney.

#### *Practice of Plan Labels*

Ms. Laszlo briefly summarized the Committee's response to an OSBEELS staff memorandum regarding the practice of using plan labels to clarify the progressive drawing development of project-related drawing document. She stated that the Committee felt the labels could be confused as to whether a document is preliminary or final and to avoid misinterpretations, referral was made to OAR 820-010-0620 which defines a "final" document. If a document is not clearly noted as being preliminary, it must be sealed and signed by the registrant.

#### *Oregon Board of Architect Examiners Proposed Amendment to OAR 806-010-0075*

Ms. Laszlo briefly summarized a review of the Oregon Board of Architect Examiners proposed rule amendment. OAR 806-010-0075 is being amended to elaborate with whom an architect can enter into an agreement or contract with when providing architectural services. She noted that in subsection 3(b) of the proposed amendments, it refers to "an engineering project as defined under ORS 672.005." Since ORS 672.005 defines the practice of engineering, but not an "engineering project," comment was sent to the Oregon Board of Architect Examiners accordingly.

#### *Clarification of OAR 820-040-0010*

Ms. Laszlo summarized a follow-up discussion from the June meeting requesting a review of two particular electrical design scenarios. She stated that after the Committee reviewed additional details and a memorandum from AAG Dahlin containing an interpretation of OAR 820-040-0010(4), it was determined that these electrical design scenarios would require the services of a professional engineer. These scenarios did not fall within the exemption of ORS 672.060(6).

#### *Use of Titles in Construction Surveying*

Ms. Laszlo briefly summarized the follow-up discussion on an email regarding whether a non-licensed person could have the title "Survey Construction Manager" or "Construction Survey Manager." It was determined that an unlicensed individual may not use these titles as it may imply that the individual is a licensed professional with the expectation that the individual with either title would be managing or supervising activities that fall within the meaning of land surveying as defined in ORS 672.005(2).

#### *Construction Surveying by Unlicensed Individuals*

Ms. Laszlo informed the members of a follow-up discussion regarding construction surveying by an unlicensed firm by unlicensed individuals. She reminded the members that the inquiry was whether unlicensed companies that do not have a licensed engineer or surveyor on staff are able to do work in the right-of-ways. After discussion and review of the examples given, Ms. Laszlo noted that the Committee determined these examples of construction surveying would require a professional land surveyor, professional engineer, or individuals working under the supervision and control of a professional land surveyor or professional engineer.

#### *CPESC and CPSWQ*

Ms. Laszlo stated that due to time constraints, discussion was brief on this matter and the Committee will hold further discussion at the October meeting.

#### *Revision to Fire Protection "White Paper"*

Ms. Laszlo stated that due to time constraints, discussion was brief on this matter and the Committee will hold further discussion at the October meeting.

#### *Mechanical & Electrical Stamping Requirements*

Ms. Laszlo stated that due to time constraints, discussion was brief on this matter and the Committee will hold further discussion at the October meeting.

### **RULES AND REGULATIONS COMMITTEE**

Mr. Davis reported that the Rules and Regulations Committee met on August 9, 2006, to discuss the following matters:

#### *Electrical Engineering – OAR 820-040-0010*

Mr. Davis noted that the Committee reviewed and discussed the History of the Definition of Electrical Engineering and determined to invite volunteers from the previous meetings to attend the October 2006 meeting. He stated that the purpose of the October meeting would be to regain focus and organize a process, including preparation of a timeline leading to a finalized rule.

#### *Amend OAR 820-010-0720 – Engineering or Land Surveying Offices*

Mr. Davis reported that the Committee made minor modifications to this rule in order to keep consistent with verbiage in ORS 672, but decided to table additional amendments and referred to AAG Kathi Dahlin for guidance. The Committee had specific questions that deal with a branch office offering services without a registered professional in that office and the ability to be in responsible charge by being "available" during normal office hours.

#### *Amend OAR 820-020-0015 – Obligations of Registrants in the Performance of their Professional Duties*

Mr. Davis stated that the Committee amended the rule as provided in the board packets. It was moved and seconded (Davis/Linscheid) to proceed with filing a temporary rule. The motion passed unanimously.

*Amend OAR 820-010-0620 – Official Seal*

Mr. Davis stated that the Committee amended the rule as provided in the board packets. It was moved and seconded (Davis/Linscheid) to proceed with filing a temporary rule. The motion passed unanimously.

*Adopt OAR 820-010-0621 – Final Documents*

Mr. Davis stated that the Committee reviewed the rule as provided in the board packets. It was moved and seconded (Davis/Linscheid) to proceed with filing a temporary rule. The motion passed unanimously.

*Rules Approved for Hearing*

Mr. Davis stated there are 35 rules approved by the Board that will be presented during the Rules Hearing scheduled for the November Board meeting.

## **EXAMINATION AND QUALIFICATIONS COMMITTEE**

*Geotechnical Exam*

Stu Albright, Ash Creek Associates, Inc., Brad Hupy, AMEC, Stan Kelsay, GRI, were in attendance to offer support for the geotechnical engineering examination. AAG Dahlin informed the Board on the current events of the exam purchase from the California Board. It was the consensus of the Board that if the attempt to purchase the exam by the end of the year is not successful, the attending volunteers will develop a geotechnical exam.

*October 2006 Exam*

Schuyler Dury and Bradley Matney were in attendance to discuss their denial to the October 2006 examination administration. Both applicants explained their situation to the Board.

Mr. Dury applied for the October 2006 FLS exam based upon a combination of experience and education. Based on the documentation provided, the Board upheld the decision of the Examinations and Qualifications Committee to deny his request.

Mr. Matney applied for the Oregon Specific 4-hour exam. This is his third attempt to pass the exam; therefore his application was reviewed under OAR 820-010-0465. Based on the documentation provided, the Board upheld the decision of the Examinations and Qualifications Committee to deny his request.

Mr. Stuntzner reported that the Examinations and Qualifications Committee met on August 9, 2006, to discuss the following matters:

*Request for Determination of Electrical Engineering License Status*

Mr. Stuntzner informed the members that the Committee reviewed correspondence submitted from Ed Butts requesting determination of his electrical engineering license status. Mr. Butts inquired to the issuance of his electrical discipline with OSBEELS staff in June 2006 and at that time, staff was unable to answer his questions due to lack of information contained in the database and his file. Since then, staff completed further research, contacted NCEES for additional information, and Mr. Butts submitted supplementary documentation. Mr. Stuntzner stated that after further review and discussion, the Committee recommends that Mr. Butts should hold a professional electrical engineering license and that the records be updated accordingly.

*April 2006 Oregon 4-Hour –Examinees Who Scored Below 60*

Mr. Stuntzner noted that a list of examinees that scored below 60 on the April 2006 Oregon 4-Hour exam was provided to the Committee for the review application history. No further action was taken.

*Oregon Written Exams*

Mr. Stuntzner stated that the Committee examined the procedures to appeal an Oregon written exam in addition to OAR 820-010-0470. As a result, the Committee would like the Rules and Regulations Committee to discuss and revise OAR 820-010-0470. Mr. Stuntzner also reported on a discussion regarding the calculator policy since the Board decided to administer all Oregon Written Exams effective with the October 2006 exam administration. He stated that the Acoustical, Forest, and Washington Structural III exams will comply with the NCEES calculator policy and the Certified Water Rights Examiner and Oregon 4-hour exams will comply with the calculator policy below:

*Only silent, non-printing, hand-held, battery-operated, calculators may be used during the examination. Calculators with alphanumeric keypads are permitted. Calculators with word-processing capabilities (QWERTY keypad), laptop, handheld, palmtop, computers, CD-ROM, or other mass data retrieval devices such as databanks, data collectors, palm pilots, PDA's and organizers are not allowed. No electrical outlet is available for recharging. No electronic devices are permitted in the examination room. The devices not permitted in the examination room are as follows but are not limited to: cameras, radios, headsets, tape players, portable fax machines, cellular telephones, calculator watches, reproduction equipment, electronic dictionaries, computers, beepers or pagers. If they are brought into the examination room, they will be confiscated.*

This calculator policy will be provided on each candidate's approval letter and admission packet. Mr. Stuntzner also noted that the exam instructions for all of the Oregon Written Exams would comply with the following:

*Acoustical and Forest exams must comply with the NCEES guidelines;  
Certified Water Rights Examiner exam must comply with the instructions provided by the Water Resources Department;  
Oregon 4-hour Law must comply with the instructions provided by the Board and;  
Washington Structural III exam must comply with the instructions by the Washington Board.*

*Traffic Engineering*

Mr. Stuntzner reported that the Committee reviewed correspondence to Ms. Lopez from Thomas Brahms, Executive Director and CEO of the Institute of Transportation Engineers regarding the events concerning licensure of the traffic engineering discipline in Oregon in addition to a request from the California Board requesting to review the exam content of the October 2001 and October 2002 Traffic Engineering exams. Mr. Stuntzner stated that the Committee authorized California's request on the understanding that the individuals reviewing the exams must sign and return an exam security agreement.

### *Request for Architectural Engineering License*

Mr. Stuntzner briefly summarized a request for licensure by comity as an architectural engineer. He stated that the request was denied but the applicant was informed that he might qualify for the civil discipline. Mr. Stuntzner also noted that the applicant was informed of OAR 820-010-0450(2), which provides a method for an individual to petition the list of disciplines licensed by the Board.

### *Review of Reapplications*

Mr. Stuntzner summarized the review of reapplications for the October 2006 examination administration, including the special teleconference held on August 22, 2006. He reminded the members that under OAR 820-010-0465, an applicant who did not successfully pass the exam in their first and second attempt is required to submit valid evidence of further preparation. Of the 53 re-applications reviewed, 37 were admitted to the October 2006 examinations and 16 were denied.

### Licensure

*Comity Applications* – Mr. Stuntzner directed the attention of the Board to the list of 72 applicants for licensure by Comity. It was moved and seconded (Stuntzner/Butts) to approve the list of 72 applicants. The motion passed unanimously.

*Photogrammetry Applications by Prior Practice* – Mr. Stuntzner directed the members' attention to the applicant seeking registration by prior practice. It was moved and seconded (Stuntzner/Gross) to approve the applicant as presented. The motion passed unanimously.

*Geotechnical Applications by Prior Practice* – Mr. Stuntzner directed the members' attention to the list of 3 applicants seeking registration by prior practice. It was moved and seconded (Stuntzner/Butts) to approve the 3 applicants as presented. The motion passed unanimously.

## **UNFINISHED BUSINESS**

### Digital Signatures

There was a brief discussion on digital signatures relating to the previous presentation made by Ron Singh and Cathy Nelson of ODOT. It was noted that Mr. Singh will be unavailable during the month of November. Mr. Linscheid also noted that ORS 209.250 requires a wet signature. Staff was directed to send a letter to Mr. Singh accordingly reiterating the Board's support of the concept.

## **NEW BUSINESS**

### 2006 NCEES Annual Meeting Discussions

*Calculator Policy* – Ms. Laszlo informed the members that a strong topic at the 2006 NCEES Annual Meeting was the types of calculators allowed during the examinations. Ms. Laszlo stated NCEES would be purchasing a quantity of 50 of each of the four types of currently approved calculators for the group preparing the exams.

*B + 30 Hours* – Ms. Laszlo stated there was an extensive amount of discussion of baccalaureate plus 30 semester hours. The details have not yet been defined; however, it will be placed into Model Law to be effective by 2015 for those requesting licensure.

*Exam Irregularities* – A presentation was made regarding probabilities of exam irregularities and the investigation process. Policies and procedures are still evolving surrounding this issue.

*Compliance Self-Audit* – Ms. Laszlo briefly touched upon information in documents from NCEES regarding compliance self-audits to be completed by the member boards. NCEES is implementing a two-part audit process to ensure the member boards are following the exam administration procedures prescribed. Since ELSEES administers the NCEES exams for Oregon, they will be completing this audit.

It was noted that the members that attended the 2006 NCEES Annual Meeting in Anchorage, AK will compile a written report to the Board summarizing the activities and issues discussed.

#### Committee Assignments

President Neathamer informed the members of which committee they will serve and the appointed chair of each committee. There were no objections to the appointments.

### **ADJOURN**

The meeting was adjourned at 3:34 p.m.

### **NEXT MEETINGS**

#### Next Board Meeting:

November 14, 2006

#### Next Committee Meetings:

RULES & REGULATIONS:	Wednesday, October 11th at 8:00A.M.
PROFESSIONAL PRACTICES:	Wednesday, October 11th at 10:00A.M.
EXTERNAL RELATIONS:	Wednesday, October 11th at 12:00P.M.
FINANCE:	Wednesday, October 11th at 1:00P.M.
EXAMINATIONS & QUALIFICATIONS:	Wednesday, October 11th at 2:00P.M.

LAW ENFORCEMENT:	Tuesday, October 17th at 11:00 A.M.
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