



Oregon

**State Board of Examiners for
Engineering & Land Surveying**

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**Oregon Board of Examiners for Engineering and Land Surveying
Special Meeting of the Law Enforcement Committee**

Meeting summary

Friday, February 19, 2010, at 1:30 p.m.

Members Present:

Dan Linscheid, Chair (excused absence)

Ed Butts

Carl Tappert

Ken Hoffine

Staff Present:

Mari Lopez

James R. (JR) Wilkinson

Others Present:

Joanna Tucker-Davis, AAG

The special teleconference meeting of the Law Enforcement Committee (LEC) was called to order at 1:30 p.m. on Friday, February 19, 2010, in the conference room of the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) office at 670 Hawthorne Ave. SE, Suite 220, Salem, OR 97301. Due to Chair Linscheid's excused absence, LEC member Carl Tappert announced that the purpose of the meeting was to discuss a settlement offer to resolve a Notice of Intent to Revoke Registration (NOI) against the respondent, a PE, in law enforcement case number 2332.

Assistant Attorney General (AAG) Joanna Tucker-Davis informed the LEC members of her conversation with the respondent's attorney Randy Rubin. Rubin had called her to inquire whether the LEC offer to the respondent to retire his professional engineering registration was still valid. AAG Tucker-Davis informed Rubin that the LEC had three options it presented the respondent. He could go to a hearing with the Office of Administrative Hearings (OAH), accept a default Final Order for revocation of his registration, or settle for immediate retirement of his registration. At that time, the respondent decided to request an OAH hearing. Since circumstances have changed, she would need to consult with the LEC.

After discussing the pro's and con's of the retirement settlement, LEC member Ed Butts commented that he had a conversation with another practitioner in the area who took notice of

the respondent's substandard engineering practices. He suggested that the Board take action as soon as possible to halt the respondent's engineering practice in order to protect the public. Tappert agreed asking whether the Board has communicated to the school district the Board's public safety concerns regarding the High School Grandstand cover. In response, OSBEELS Investigator James R. (JR) Wilkinson informed the members that a letter conveying the concerns of the Board was sent to a County Building Official on September 23, 2009. Wilkinson added that the expert reviewer completed his report and recommended that the grandstand be barricaded to prevent people from approaching the structure. Once a release for the final report is provided, the report could be made public. It would then be at the discretion of the Board to determine the next steps. Tappert affirmed that action was needed to halt his practice.

AAG Tucker-Davis asked whether the LEC members had any comments on the draft settlement agreement that was provided by email. Ken Hoffine remarked that it was strongly worded in that the respondent was negligent in his practice. AAG admitted she had not talked with Rubin about language wherein the respondent would not admit to negligent engineering practices. She added, however, that Rubin would need to discuss this with his client. The LEC agreed to offer the respondent the retirement settlement as a "take it or leave it" document effective March 9, 2010.

After discussing textual edits, the LEC directed the AAG to communicate that the settlement agreement would include retirement and that it would take effect after the Board meeting on March 9, 2010. To secure the settlement, the respondent would need to submit a completed Retirement Form by March 8, 2010. In addition, the LEC agreed to authorize AAG Tucker-Davis to finalize negotiations. Wilkinson commented that a sentence in the Retirement Form would be removed, which states that a retired professional could return to active status. Under the settlement agreement, the respondent could not. AAG Tucker-Davis will notify Rubin that Wilkinson will forward Rubin the Retirement Form for the respondent to sign and submit in order to complete the settlement agreement.

AAG Tucker-Davis concluded that she will ask OAH to withdraw the hearing. If the respondent or the Board does not approve the settlement agreement, she can ask to put it back on the docket and the hearing can move forward on March 11-12, 2010.

The LEC adjourned at approximately 1:54 p.m.