



Oregon

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

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RULES & REGULATIONS COMMITTEE

Minutes of Meeting

June 11, 2010

Members present:

Mari Kramer
Dan Linscheid
Carl Tappert
John Seward (excused absence)

Staff present:

Mari Lopez, Executive Secretary
Jenn Gilbert, Executive Assistant

Others present:

Joanna Tucker-Davis, Assistant Attorney General
Amin Wahab (observer)
Ken Hoffine (observer)
Grant Davis (observer)
Bob Neathamer

The meeting of the Rules and Regulations Committee was called to order at 9:20 a.m. in the conference room of the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) office at 670 Hawthorne Avenue SE, Suite 220, Salem, OR 97301.

New Business –

OAR 820-010-0209 – Applications for Certification as a Water Right Examiner

The Committee reviewed draft language proposed to revise the Oregon Administrative Rule (OAR) 820-010-0209 – Applications for Certification as a Water Right Examiner. The proposed language revises the initial fee for certification as a water right examiner and makes the amount consistent with the fee contained in OAR 820-010-0305 – Fees. After a brief discussion, **the Committee approved the draft rule for presentation during the July Board meeting for approval to begin the rulemaking process.**

OAR 820-010-0215 – Forms of Applications

The Committee reviewed draft language proposed to revise OAR 820-010-0215 – Forms of Applications. To meet deadlines contained in the contract with the National Council of Examiners for Engineering and Surveying (NCEES), the timelines for documents that may be submitted after the application deadline were moved 2 weeks earlier. These are documents that are issued by another jurisdiction, educational institutions, or by NCEES. After a brief

discussion, **the Committee approved the draft rule for presentation during the July Board meeting for approval to begin the rulemaking process.**

OAR 820-010-0427 – Nature of Examination for Registered Professional Photogrammetrist (RPP)

The Committee reviewed draft language proposed to revise OAR 820-010-0427 – Nature of Examination for Registered Professional Photogrammetrist (RPP). The proposed language clarifies that the practical photogrammetric mapping examination is written and scored by the Colonial States Boards of Surveyor Registration (CSBSR). Proposed language also contains the fact that the Oregon Board will administer this examination pursuant to a contract and administered in the State of Oregon. After a brief discussion, **the Committee approved the draft rule for presentation during the July Board meeting for approval to begin the rulemaking process.**

OAR 820-010-0463 – Cutoff Scores for Examinations

The Committee reviewed a draft rule proposed to revise OAR 820-010-0463 – Cutoff Scores for Examinations. The proposed draft rule deletes reference to the Memorandum of Understanding (MOU) related to the Forest engineering examination and includes the cutoff score for the photogrammetric mapping examination as established by the CSBSR. After a brief discussion and recommendation for one minor revision, **the Committee approved the draft rule, as revised, for presentation during the July Board meeting for approval to begin the rulemaking process.**

NCEES Structural Examination Application Fee (Effective April 2011)

Effective with the April 2011 examination administration, the NCEES Structural examination will be an option for individuals who wish to obtain the structural discipline. As a result, staff recommended for Committee consideration, the application fee be revised to \$100.00. The current fee of \$700.00 is justified due to the Washington Structural III examination. However, staff informed the Committee that applicants may still attempt to successfully pass the Washington Structural III examination in the October 2011 examination administration (last administration). Furthermore, staff recommended the re-application fee for the NCEES Structural examination to be \$90.00. After a brief discussion, the Committee agreed with staff. **A draft of OAR 820-010-0305 will be presented during the July Board meeting for approval to begin the rulemaking process.**

OAR 820-010-0210 – Application for Enrollment as an Engineering Intern (EI) and Land Surveying Intern (LSI)

The Committee reviewed a draft rule proposed to revise OAR 820-010-0210 – Application for Enrollment as an Engineering Intern (EI) and Land Surveying Intern (LSI). The proposed draft rule expands on the information and documentation required for applications to the Fundamentals of Engineering and the Fundamentals of Land Surveying examinations. After a brief discussion, **the Committee approved the draft rule for presentation during the July Board meeting for approval to begin the rulemaking process.**

OAR 820-010-0212, OAR 820-010-0213, and OAR 820-010-0214

The Committee reviewed draft rules for OAR 820-010-0212 – Applications for Registration as Professional Engineers (PE) Based on Examination, OAR 820-010-0213 – Applications for Registration as Professional Land Surveyors (PLS) Based on Examination, and OAR 820-010-

0214 – Applications for Registration as Professional Photogrammetrists (RPP) Based on Examination. The draft rule revisions include the re-application fee for a PE examination, the re-application fee for the PLS examinations; including both the national (6-hour) and Oregon Specific (4-hour) examinations together and separately, and the re-application fee for the photogrammetric mapping examination. **The Committee approved the draft rules for presentation during the July Board meeting for approval to begin the rulemaking process.**

OAR 820-010-0400 – Application for Registration as a Geotechnical Engineer

The Committee reviewed a draft rule proposing to delete outdated language in OAR 820-010-0400 – Application for Registration as a Geotechnical Engineer. The language proposed to be deleted relates to applications for registration by prior practice. Since the prior practice ended December 31, 2009, this language is not necessary. **The Committee approved the draft rule for presentation during the July Board meeting for approval to begin the rulemaking process.**

Unfinished Business –

OAR 820-010-0635 – Continuing Professional Development

The Committee discussed the questions posed by staff related to the methods in which a registrant may obtain professional development hour (PDH) units. The first question was regarding how many PDH units are earned for completing the Board prepared take-home examination. After discussion, it was determined that no PDH units may be earned since each applicant is required to complete this prior to obtaining registration with the Board.

Staff also prompted the Committee to discuss professional reviewers and expert witnesses possibly earning PDH units. During the review of information provided from registrants who were requested to participate in the recent audit of PDH units, it was noted that involvement as a professional reviewer or expert witness may be an avenue to obtain PDH units. Mr. Jerry Maris, a participant in the recent audit, suggested a formula for converting actual hours applied converted to PDH hours similar to his understanding of seminar hours and equivalent PDH units. Mr. Maris also provided a summary of the work completed in preparation outside of his actual expert witness testimony. After discussion, **the Committee determined that this is a matter for the full Board to consider during the July Board meeting.**

Lastly, staff inquired if the second sentence of OAR 820-010-0635(4) can be deleted. This sentence reads, *“The Board may maintain a list of courses and activities which it has approved”* since the Board does not currently maintain such a list. The Committee agreed and determined that the verbiage should be deleted.

A draft re-write of the entire rule will be presented for the Committee to review during the next meeting in August. The purpose of the re-write is for added clarity and to address ongoing questions received from registrants on how the rule is applied. The draft rule will include language as determined by the discussion to be held during the July 13, 2010 Board Meeting.

OAR 820-015-0026 – Failure to Comply with Continuing Professional Development Requirements

The Committee discussed OAR 820-015-0026 – Failure to Comply with Continuing Professional Development Requirements. In particular, the Committee discussed the meaning of subsection 2.

OAR 820-015-0026 states,

“Failure to Comply with Continuing Professional Development Requirements

(1) Any registrant who fails to satisfy the Continuing Professional Development requirements in OAR 820-010-0635 will be subject to suspension of the registrant's license. Failure to satisfy the Continuing Professional Development requirements will not be the sole basis for license revocation.

(2) Before suspending a registrant's license, the Board may allow a grace period of up to one year for a registrant to satisfy the requirements of OAR 820-010-0635(1). When a grace period is allowed, the registrant must complete all deficient Continuing Professional Development requirements and satisfy all current Continuing Professional Development requirements within the grace period. If the registrant fails to obtain all required deficient and current PDH units within the grace period, the Board will suspend the registrant's license.

(3) If the registrant responds to any Board notification and, if requested, completes a Continuing Education Request Form, and is not otherwise subject to Board investigation or discipline, the Board will grant a grace period provided that the registrant has failed to satisfy the Continuing Professional Development requirements by 15 or fewer PDH units.”

Currently, a grace period may be granted to a registrant when the registrant is requested to participate in an audit of PDH units. However, the registrant must be deficient by 15 or fewer PDH units and respond to the Board audit request by submitting the Continuing Professional Development Organizational form along with a written request for the grace period. Regardless of the current method, it was noted that the intent of the rule may have been for registrants who have not completed the required PDH units prior to submitting their biennial renewal fees. Therefore, **before the Committee proceeds in revising the rule, additional discussion will be held during the July Board meeting.**

The meeting adjourned at 10:15 a.m.