



PUBLISHED BY THE OREGON STATE BOARD OF EXAMINERS FOR ENGINEERING AND LAND SURVEYING

The mission of the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) is to regulate the practice of engineering, land surveying, and photogrammetric mapping in the state as they relate to the welfare of the public in safeguarding life, health and property.

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Appointments to the Board

James L. Doane, P.E., P.L.S., was appointed to the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) to fill the vacancy of Susanna Laszlo, P.E. Ms. Laszlo served on many committees of the Board, including the Professional Practices Committee in which she was Chair from 2003 to 2007, wherein she became the Board President until June 30, 2009. Ms. Laszlo completed her second four-year term on June 30, 2010 and was nominated by the Board as an Oregon Emeritus Member of the National Council of Examiners for Engineering and Surveying (NCEES). As an Oregon Emeritus Member of NCEES, she may

serve on any NCEES committee. Ms. Laszlo continues to provide her vast knowledge and experience with her continued efforts with professional practice matters and legislation. Mr. Doane began serving his first four-year term with the Board on July 1, 2010. He was first registered in 1973 with the State of California, obtaining his registration with OSBEELS in 1975 as a professional engineer, especially qualified in civil engineering. A few years later, Mr. Doane was granted registration as a professional land surveyor in Oregon and also holds a professional engineering registration in the State of Colorado.

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Board and Committees

Board Committees

The Board discharges its responsibilities through a committee structure, each working with staff to handle a specific area of responsibility and providing the Board with concise options for action. Committees of the Board are not empowered to make decisions for the Board; they simply provide recommendations. The standing committees of the Board are: Examinations and Qualifications, External Relations, Finance, Law Enforcement, Professional Practices, and Rules and Regulations.

In addition, the Board works cooperatively with the Oregon State Board of Geologists Examiners (OSBGE) and the Oregon Board of Architect Examiners (OBAE) regarding any matters related to the overlap of practices between the professions.

If you have questions or concerns that you would like the Board to address, please submit them in writing to the Board office. Upon receipt, staff will provide the correspondence to the appropriate committee for consideration during their next scheduled meeting. The committees meet every even month. To contact Board Members, please contact Mari Lopez, the Executive Secretary of the Oregon State

Board of Examiners for Engineering and Land Surveying (OSBEELS) by email at osbeels@osbeels.org.

Board and Committee Meetings

OSBEELS' Board and Committee meetings are open to the public. The Board meetings are held on the second Tuesday of each odd numbered month. The Committee meetings are held in an even month. Interested parties are encouraged to attend a scheduled meeting. For additional information, contact the Board office. ■

Appointments to the Board

Mr. Doane has received the American Society of Civil Engineer's (ASCE) State of the Art of Civil Engineering Award, as a co-recipient for a paper on air pollution and also received ASCE's Engineer in Government of the Year in 2001. He was previously appointed to the Oregon Seismic Safety Policy Advisory Commission (OSSPAC) by Governor Kitzhaber in 2000, and was reappointed twice, ending his final term in 2010. Mr. Doane has also served on the Federal

Infrastructure Protection Advisory Board as the Water Industry's Representative, in addition to serving on several committees of the United States Commission on Large Dams (USCOLD, now known as the US Society on Dams). Mr. Doane is currently employed with Brown and Caldwell as the Managing Engineer while also serving on the Board of the Tualatin Valley Water District. He also holds fellow grade with ASCE and is a member of the Institute of Electrical and Electronics Engineers (IEEE).

(continued from page 1)

Mr. Doane holds high ethical standards and enjoys his summers as a camp counselor to children at residential camps and endowed the Doane Family Scholarship in Civil and Environmental Engineering at the University of California, Los Angeles in addition to a scholarship with the Pacific Northwest Section of the American Water Works Association, with his wife Jean. ■

Am I Required to Maintain a Continuing Professional Development (CPD) Organizational form?

All active registrants are required to maintain not only a CPD Organizational form but also supporting documentation for the professional development hour (PDH) units recorded on the CPD Organizational form. Supporting documentation may include, but is not limited to: attendance verification records from a meeting or conference that the registrant may have attended, completion certificates, paid receipts, handouts of the meeting or conference, an agenda of the meeting or conference, etc.

Oregon Administrative Rule (OAR) 820-010-0635 requires that a registrant maintain their records for five years and when submitting the CPD Organization form, ensure that it contains:

- ✓ The type of activity claimed;
- ✓ Sponsoring organization;
- ✓ Date;
- ✓ Location;
- ✓ Duration;
- ✓ Instructor's or speaker's name; and
- ✓ PDH units earned.

The CPD Organizational form can be found on the Board's Web site at www.oregon.gov/OSBEELS/. The Board will

monitor compliance through regular CPD audits. If you are audited, notification will be received at the address on file with the OSBEELS office and include a request for your CPD Organizational form and supporting documentation.

For more information related to the requirements of Continuing Professional Development, please contact Amelia Volker, Accounts Specialist by email at VolkerA@osbeels.org or Tina Sorensen, Accounts Specialist by email at SorensenT@osbeels.org.

What is an Informal Conference?

When a complaint is received by the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) and investigated, a Board investigator will prepare a case summary for review by the Law Enforcement Committee (LEC). The LEC is comprised of professional engineers and professional land surveyors with knowledge and experience in their respective fields.

The LEC deliberates a complaint by reviewing a case summary, which contains the complaint information, the response, and any investigative findings. If the LEC determines that there is evidence to support issuing a sanction, which means the individual has appeared to have violated statute or rule under the Board's authority, the individual will receive a Notice of Intent (NOI). The NOI is to inform the individual of the Board's intent to issue a sanction. The NOI also informs the

individual of their contested case rights and how to request a formal hearing with the Office of Administrative Hearings (OAH).

In addition to requesting a formal hearing, the Board provides an option to request an informal conference with the LEC. The informal conference is an opportunity for an individual to rebut the matter(s) and/or discuss settling the matter prior to a formal hearing. The objective of an informal conference is to allow the individual to explain the situation and/or their actions for a greater understanding by the LEC. The Board prefers the informal conference to reach a settlement and a signed agreement because the rights of both parties are respected. For that reason, it is important that an individual request and attend an informal conference. If an agreement is not reached, the right to a formal hearing with the OAH is preserved.

Legal counsel may represent an individual during an informal conference as well

as during a formal hearing. If an individual's legal representation will be present, communication is important so that coordination can facilitate resolution. The informal conference is the opportunity for open discussion about the situation and not for legal arguments: a formal hearing with the OAH provides that forum. Furthermore, the LEC may consider new evidence during the informal conference. However, if evidence was not submitted during the investigation, it is expected that an explanation be provided with the new evidence on why it was not previously provided to Board investigators.

The Board respects the rights of all individuals by providing access to a hearing. An informal conference respects the rights of all parties to resolve complaints.

CPD Organizational Form

On the right side of the Web site for the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS), under Forms, a registrant may find the Continuing Professional Development (CPD) Organizational form. This is the Board approved form referred to in the Oregon Administrative Rule (OAR) 820-010-0635(5).

Here are a few facts:

- At the end of December 2010, a total of 68 law enforcement cases were opened related to the audit of CPD activities;
- 35 of the law enforcement cases are still under investigation;
- 38% of all law enforcement cases since April 2008 are related to the audit of CPD activities;
- Of the law enforcement cases related to CPD activities, 63 cases involved professional engineers; 4 cases involved professional land surveyors; and 1 case involved a professional photogrammetrist;
- Approximately 400 registrants are requested to participate in an audit of CPD activities every 6 months.

From previous audits of CPD activities, many different forms are used by registrants to track their professional development hour (PDH) units. To ease the audit process, the Board requires submission of the CPD Organizational form.

Additionally, during the January 11, 2011 Rules Hearing, the Board proposed to require the submission of the CPD Organizational form with each renewal. Effective with the June 30, 2011 renewals, registrants are required to submit the CPD Organizational form along with their renewal to certify completion of the required professional development hours.

The text of Oregon Administrative Rule (OAR) 820-010-0530 is found below and became effective on May 12, 2010.

820-010-0505 Biennial Renewal of Registration or Certification

(1) Registration as a professional engineer, professional land surveyor, or professional photogrammetrist with the Board is on a biennial renewal schedule. As a condition of registration renewal, registrants must comply with the continuing professional development requirements in OAR 820-010-0635. Certification of completing the required professional development requirements on the CPD Organizational Form and fee must be postmarked or hand delivered by 5:00 p.m.

on the day of the expiration date of the registration. The biennial fee to renew a registration is described below:
 (a) Professional Engineer -- \$180.00;
 (b) Professional Land Surveyor -- \$180.00;
 (c) Professional Photogrammetrist -- \$180.00;
 (2) Certification as a certified water right examiner is on a biennial renewal schedule. The fee must be postmarked or hand delivered by 5:00 p.m. on the day of the expiration date of the certification. The biennial fee to renew a certification as a water right examiner is \$40.00

(3) A delinquent fee of \$80.00 will be assessed on the first day following the expiration date of each registration or certification, for each biennial renewal period in which payment or certification of completing the required continuing professional development hours is not submitted.

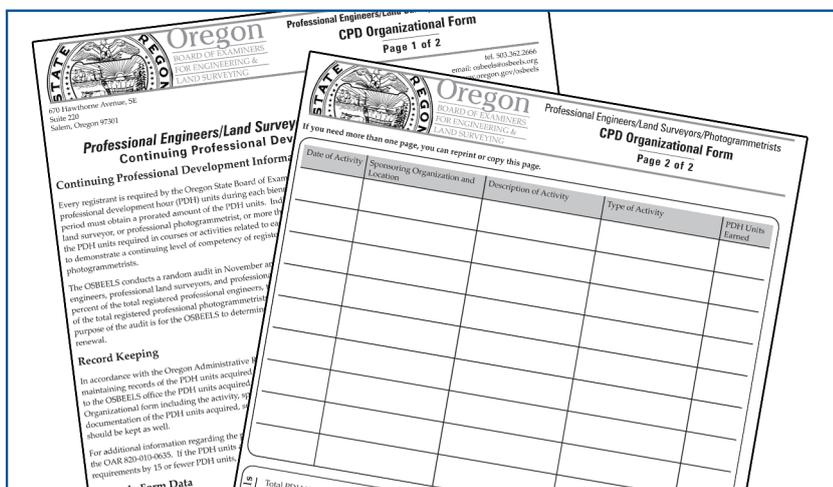
(4) Registrations or certificates in the delinquent or retired status for a period of 5 years or more may not be renewed. Delinquent or retired registrants or certificate holders must re-apply and re-take any applicable examination to obtain their certificate of registration or other certificate after a period of 5 years.

Stat. Auth.: ORS 670.310, 672.160, 672.170, & 672.255

Stats. Implemented: ORS 672.002 - 672.325

In the event that a registrant is requested to participate in an audit of continuing professional development requirements, the registrant will be required to submit supporting documentation. In addition to supporting the units claimed, documentation must also correlate with the time period of the registrant's last biennial renewal schedule in which professional development hour (PDH) units were obtained.

Please note, that requests to renew a registration after the June 30th or December 31st biennial renewal dates also require the submission of the CPD Organizational form. If you have questions regarding these requirements, please contact the OSBEELS office. ■



Monument Removal and Plats

Questions about when or if it may be legally permissible to remove monuments which were set in anticipation of filing of partitions or subdivisions have been presented to OSBEELS.

The concern regarding the removal of monuments that have been set along the perimeter of anticipated plat boundaries, relates to the potential that adjoining property owners may have come to rely on these monuments, even though they are not of record in county offices.

Given the timelines and requirements of Oregon Revised Statutes (ORSs) 92.50, 209.250, and Oregon Administration Rule (OAR) 820-030-0060, how can professional land surveyors address monuments set in plats that have been submitted to the county surveyor's office for review and the professional land surveyor is subsequently told by their client that the development is not going to move forward? Or in the case of the plat being held up in a city or county office under some type of review or permitting process?

One option may be to convert the plat into a survey and file it as such. If the project has been dropped and is not going to move forward there are a couple of scenarios the professional land surveyor needs to consider. Prior to the 45th day after setting the monuments, nothing in statute specifically prohibits the removal of these monuments by the professional land surveyor. However, beyond the 45th day, the plat perimeter monuments may not be legally removed and may have gained a local recognition by the adjoining property owners as to the location of their boundaries at that position on the line.

Some timelines and requirements to keep in mind:

1. If monuments have been set, but the plat has **not** been submitted to the

county surveyor for review, up to the 45th day after the setting of the first monument, all monuments set **may be removed**, and no further action is legally required.

2. If monuments have been set, and the plat is submitted for filing within 45 days of the setting of the first monument, the monuments **may be removed** within the 45 days, inclusive of the review period granted the county surveyor, so long as notice is provided to the county surveyor that there is no longer an intent to file the survey (or plat).
3. If monuments have been set and the plat has been submitted for review, and if the 45th day has passed, the monuments **may not be removed**, unless they are interior and exterior lot corners not defining the perimeter boundary.

ORS 92.050 (1) prohibits the filing of plats until "all the requirements of ORS 209.250 and the plat requirements of the subdivision or partition have been met."

OAR 820-030-0060, relating to the filing of survey records, states, "The registered professional land surveyors making a survey pursuant to ORS 209.250 shall submit for filing a complete record that contains all the elements listed in ORS 209.250(2)(3) in all affected counties within 45 days of establishment or reestablishment of any boundary monument or boundary reference monument." This requirement relates to the date of the setting of the first monument on the survey or plat.

ORS 209.250 subsection (1) states, "If the surveyor is unable to complete the survey and submit a permanent map within 45 days, the surveyor shall, within 45 days of establishing or reestablishing a boundary monument, provide written notice to the county surveyor containing the reasons for the delay, an estimate

of the amount of time reasonably necessary to complete the survey but not exceeding 180 days, and a temporary map showing the position of monuments established or reestablished."

ORS 209.250 subsection (4)(a) states, "Within 30 days of receiving a permanent map under this section, the county surveyor shall review the map to determine if it complies with subsections (1), (2) and (3) of this section and applicable local ordinances. A map must be indexed by the county surveyor within 30 days following a determination that the map is in compliance with this section."

ORS 209.250 Subsection (4)(b) states "A survey map found not to be in compliance with subsection (1), (2) or (3) of this section must be returned within 30 days of receipt for correction to the surveyor who prepared the map. The surveyor shall return the corrected survey map to the county surveyor within 30 days of receipt of the survey map from the county surveyor."

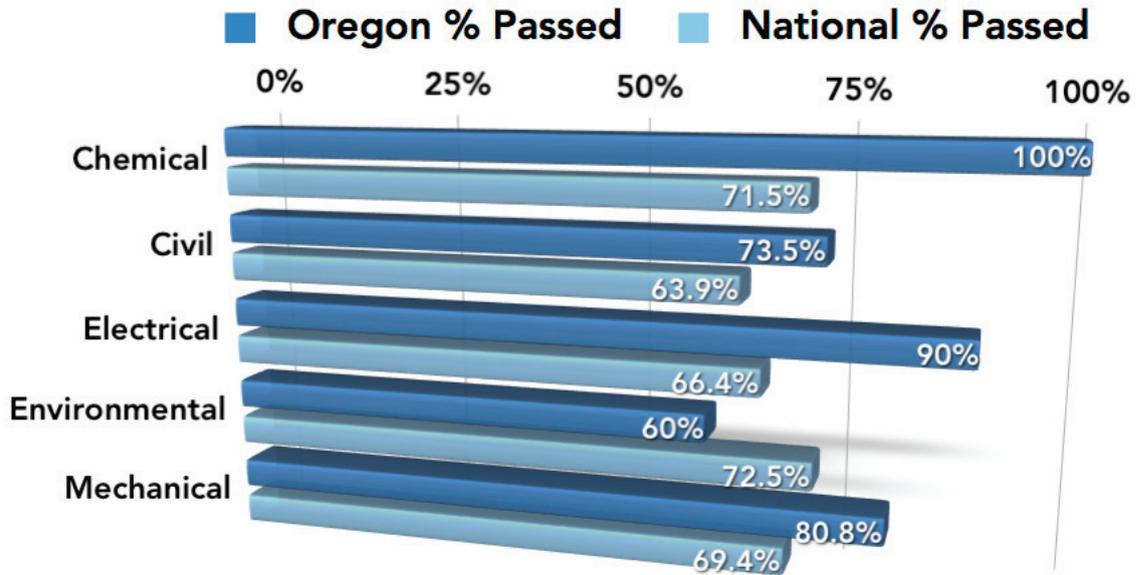
ORS 209.250 Subsection (4)(c) states "A map that is not corrected within the specified time period must be forwarded to the State Board of Examiners for Engineering and Land Surveying for action, as provided in subsection (11) of this section."

ORS 209.250 Subsection (11) states "A registered professional land surveyor failing to comply with the provisions of subsections (1) to (9) of this section, ORS 92.050 to 92.080 or a county ordinance establishing standards for surveys or plats is subject to disciplinary action by the State Board of Examiners for Engineering and Land Surveying. ■

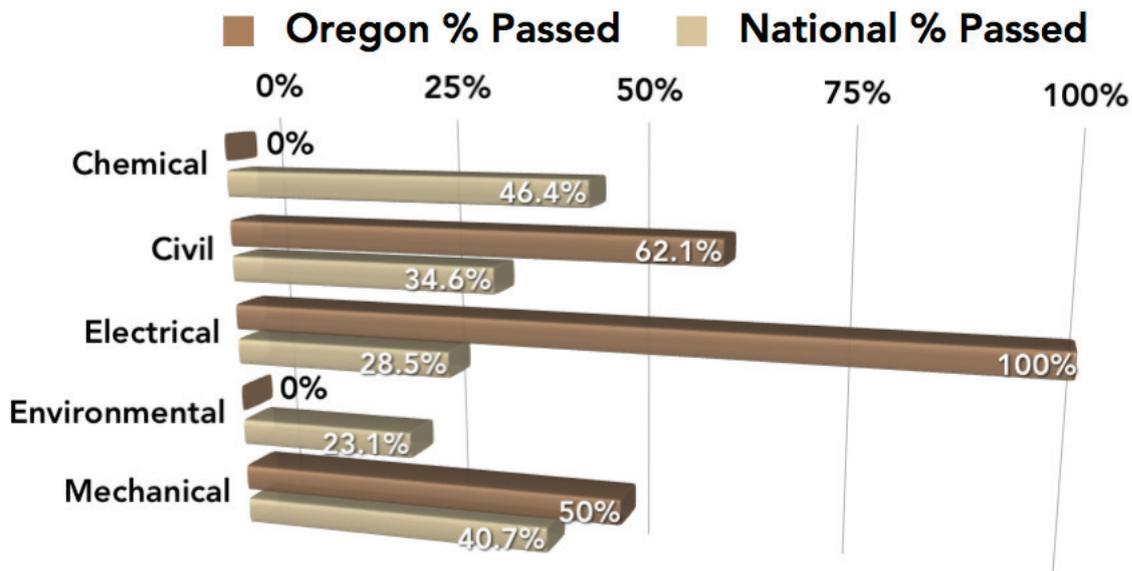
Oregon Examination Statistics

April & October 2010

April 2010 Professional Engineering Examination Statistics
First Time Takers

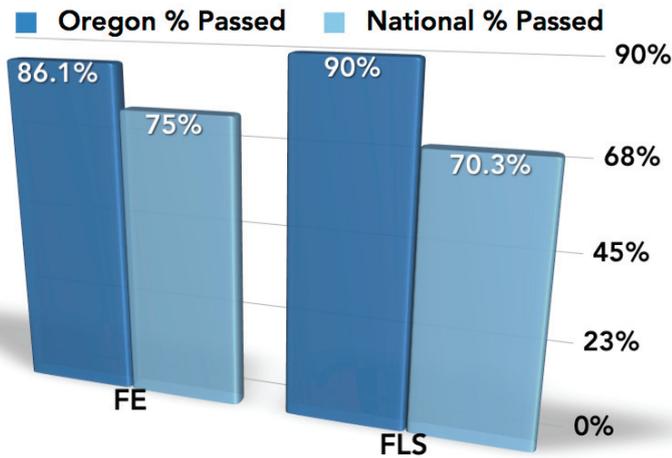


April 2010 Professional Engineering Examination Statistics
Repeat Takers

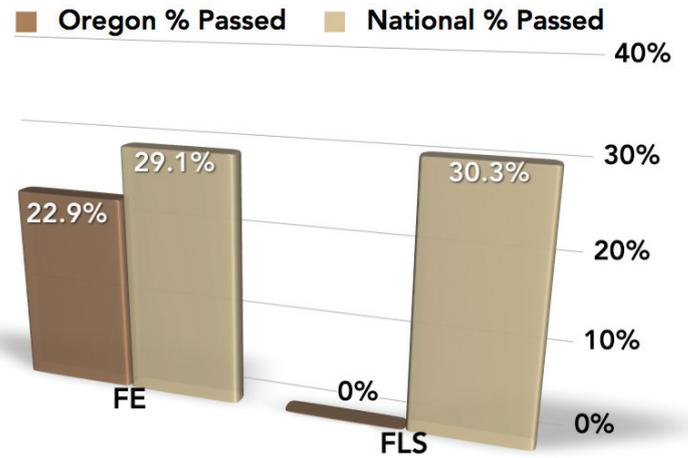


There were no repeat takers with OSBEELS for the Chemical professional engineering examination.

April 2010 Fundamentals Examination Statistics
First Time Takers

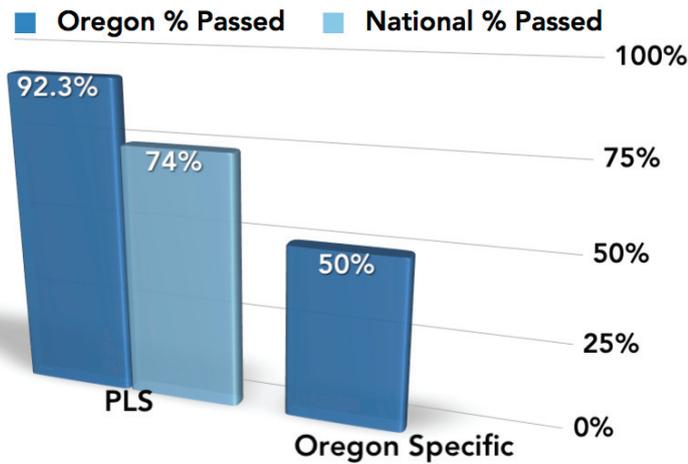


April 2010 Fundamentals Examination Statistics
Repeat Takers

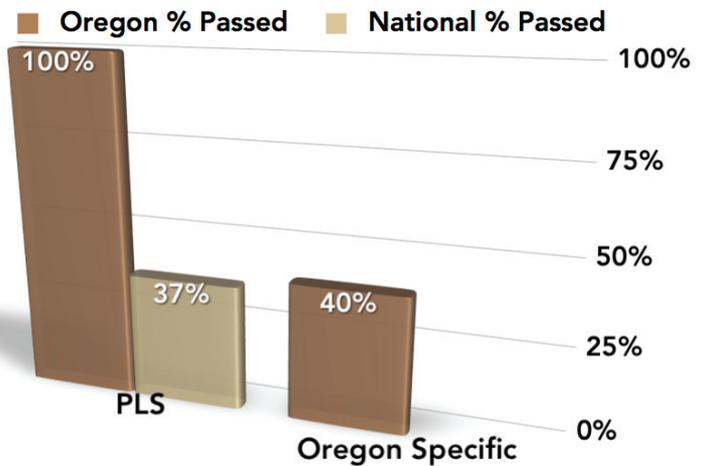


There were no repeat takers with OSBEELS for the Fundamentals of Land Surveying examinations.

April 2010 Professional Surveying Examination Statistics
First Time Takers

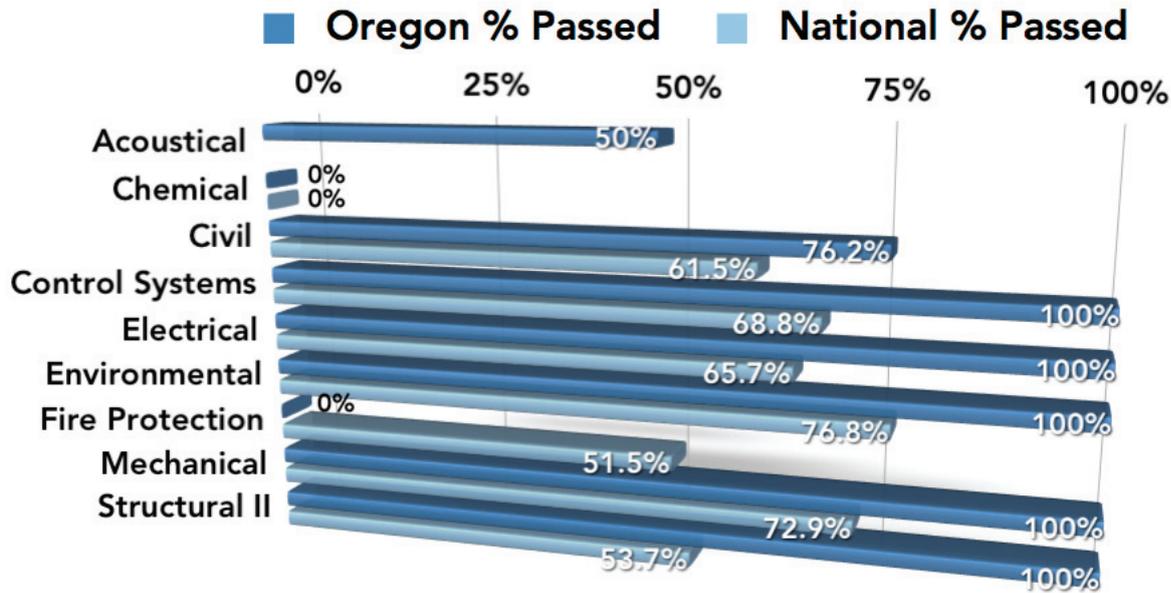


April 2010 Professional Surveying Examination Statistics
Repeat Takers



October 2010 Professional Engineering Examination Statistics

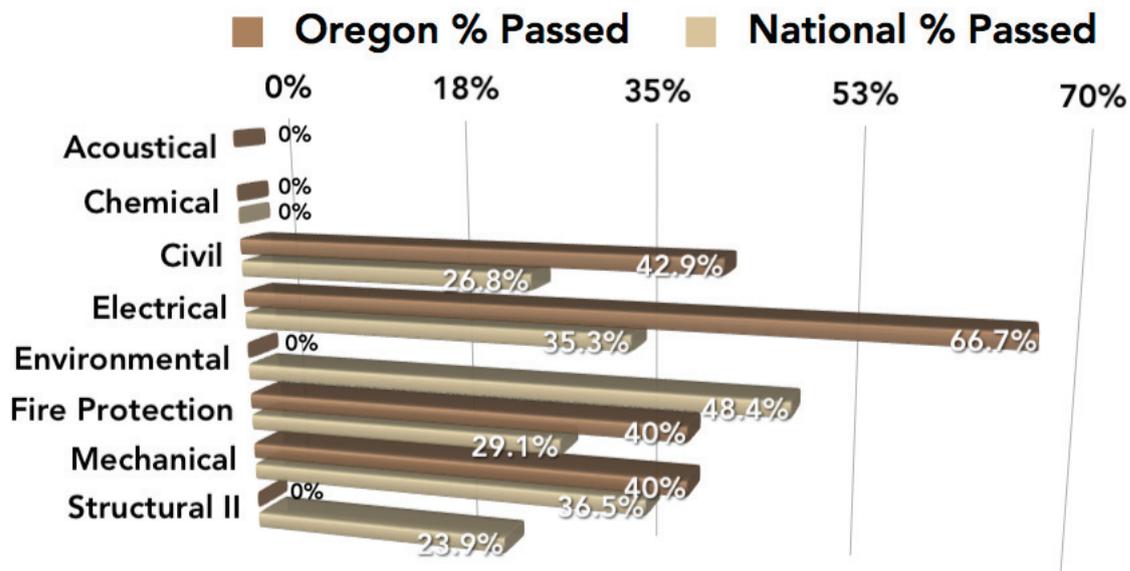
First Time Takers



There were no first time takers with OSBEELS for the following professional engineering examinations: Agricultural, Metallurgical & Materials, Mining & Mineral Processing, Nuclear, and Petroleum.

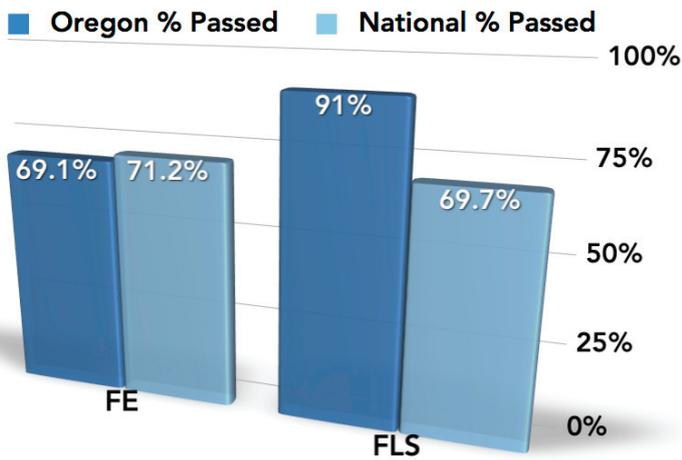
October 2010 Professional Engineering Examination Statistics

Repeat Takers

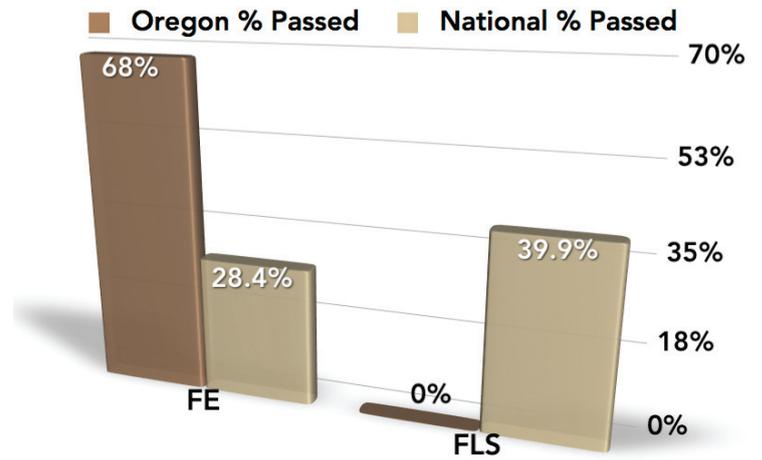


There were no repeat takers with OSBEELS for the following professional engineering examinations: Acoustical, Agricultural, Chemical, Control Systems, Environmental, Metallurgical & Materials, Mining & Mineral Processing, Nuclear, and Petroleum.

October 2010 Fundamentals Examination Statistics
First Time Takers

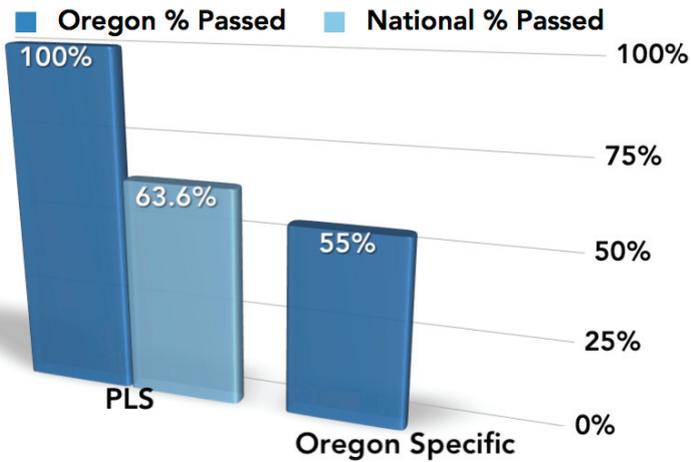


October 2010 Fundamentals Examination Statistics
Repeat Takers

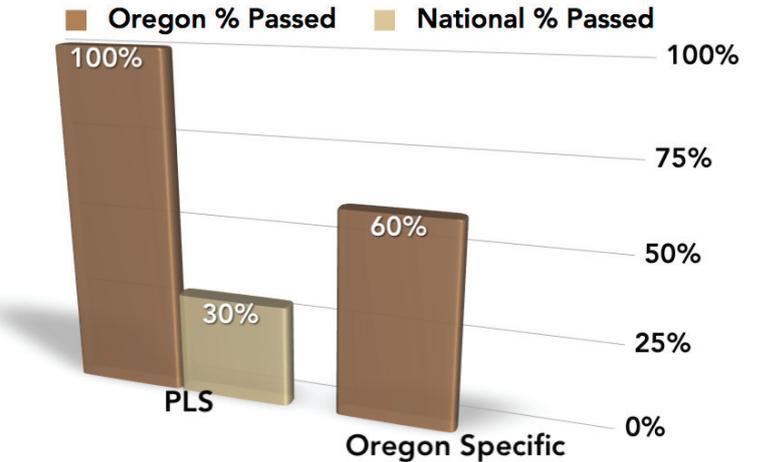


There were no repeat takers with OSBEELS for the Fundamentals of Land Surveying examinations.

October 2010 Professional Surveying Examination Statistics
First Time Takers



October 2010 Professional Surveying Examination Statistics
Repeat Takers



Investigation and Enforcement Law Enforcement Cases with Sanctions

February 1, 2010 – January 31, 2011

The Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) Regulation Department received 91 complaints, closed 77 investigations, and issued disciplinary action in 30 cases during the February 1, 2010 to January 31, 2011, time period. The 77 closed investigations included 21 complaints against engineers, 14 complaints against land surveyors, and 42 complaints against unlicensed persons. The Board took disciplinary actions against 10 professional engineers, 4 professional land surveyors, and 16 unlicensed persons. The 30 cases resulted in revocation in one case, retirement in lieu of revocation in three cases, suspension in three cases, respondent action

in lieu of penalty in one case, and civil penalties in 24 cases.

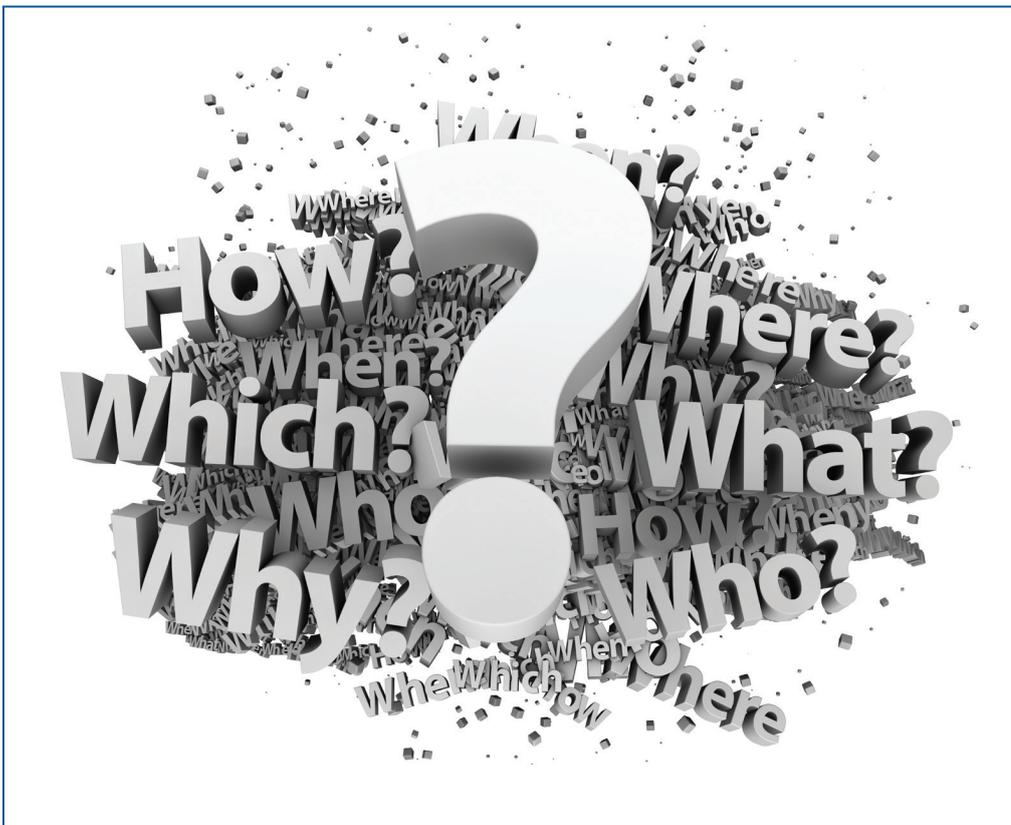
NOTE: Some of the Oregon Administrative Rules (OAR) referenced in this article may have been modified or changed since the violation and sanction occurred. Please consult an appropriately dated version of the OAR for a correct reading of the violation, sanction, or rule. For example, the rule governing branch offices has undergone extensive revision (OAR 820-010-0720).

2332 – Maurice Farr

The Board issued a Final Order against Maurice Farr, PLS, CWRE, finding that he was negligent or incompetent in designing the Glide High School grandstand cover. The investigation began with allegations of plan stamping for an office building and negligence or incompetence in the design of a warehouse. The Law Enforcement Committee (LEC) dismissed the plan stamping allegation because no evidence

countered his claim of supervision and control. The investigation also found the warehouse was redesigned by another engineer and the warehouse plan review letters that Farr received would not alone support the allegation of incompetence and negligence. Subsequent analysis of other exempt and non-exempt structures showed problems with lateral designs and calculations, but Farr was uncooperative in resolving the matter. The LEC sent Farr a request for a list of his projects and warned that his failure to cooperate would in itself result in disciplinary action. After further exchanges, Farr submitted a list of projects that was vetted for investigation. Included in the list were the Glide High School grandstand cover and two Domino's Pizza buildings. A review of the design plans for the two Domino's Pizza buildings showed issues, but they were excepted structures and outside the Board's authority.* However, the Glide High School grandstand cover was non-exempt and the Board contracted with a professional reviewer. The reviewer found inadequate wind loading analysis, inadequate roof girders to sustain snow and dead loads, inadequate anchorage of columns supporting the roof structure, and inadequate foundation system to resist lateral loads. Once the review report was provided to Farr's attorney, Farr entered into a settlement agreement wherein he retired his registration in lieu

* At the time of this case, a professional engineer designing an excepted structure under ORS 672.060 also was excepted from the engineering laws. That exception was removed in 2009.



of revocation without the possibility of reinstatement and in lieu of a civil penalty for violating Oregon Revised Statute (ORS) 672.200(2),(4) and Oregon Administrative Rule (OAR) 820-020-0015(2).

In addition, the Board sent a letter to the responsible Building Official reminding him that building officials are the first line of defense against substandard engineering. If a plan requires numerous reviews until approved, then the issues should be addressed with the engineer. If a building department has an engineer who has difficulty designing a compliant project, then they should report the individual to OSBEELS so the Board can take action to protect the welfare of the public in safeguarding life, health, and property. To do otherwise places a huge risk in the state. Building Officials who submit complaints should provide the Board with the necessary supporting documentation to evaluate the professional competence of an engineer. The Board welcomes the opportunity to work with Building Officials to investigate complaints of negligent or incompetent engineering.

2494 – Thomas Swart

The Board issued a Final Order against Thomas Swart finding that he was negligent or incompetent in the practice of land surveying by continually submitting for review insufficient survey work. The Board received complaints from the County Surveyors for Multnomah, Clackamas, and Washington counties regarding fourteen surveys. The multiple violations included non-compliant seals, missing north arrow and scale, failure to file maps of survey within 45-days, and failure to return corrected maps

within 30-days. The Board offered Swart an informal conference, but he missed the meeting due to health issues. When the case was referred to the Office of Administrative Hearings (OAH), the referral was not accepted because Swart had not requested a hearing within 21-days as required by statute. The LEC offered a second informal conference that Swart canceled due to personal commitments. During the subsequent discussion about his case, the LEC authorized the LEC Chair and the Assistant Attorney General to meet with Swart between sessions to reach a settlement. Swart agreed to revocation in lieu of a \$16,500 civil penalty without the possibility of reinstatement for violating ORS 92.050, ORS 209.250(1),(3) (c),(4)(b),(11), ORS 672.025(1), ORS 672.045(1),(4), ORS 672.200(2),(4), OAR 820-010-0605, OAR 820-010-0619, OAR 820-020-0620(1),(2),(4), OAR 820-020-0015(2), OAR 820-020-0020(1),(2), OAR 820-030-0060, OAR 820-030-0070, Washington County Code 605, and an Agreement to Settle and Stipulated Final Order dated January 23, 2001.

2495 – Mathew S. Smith

The Board issued a Final Order against Matthew S. Smith finding that Smith Herrick Engineering, LLC, advertised as an engineering company and offered the services of an engineer without employing a licensed professional engineer. The investigation found that their work was exclusive to product development for their clients and they do not offer their services to the public. In addition, they removed the term engineering from their name, Web site, and other advertisement materials. Smith entered into a settlement agreement to pay a \$500 civil penalty and to change their firm's name and advertisements for violating ORS 672.020(1), ORS 672.045(1),(2), and OAR 820-010-0720(1).

2516 – Edward M. Tanner

The Board issued a Final Order against Edward Tanner, PE, finding that he failed to provide documentation of professional development hour (PDH) units in compliance with Continuing Professional Development (CPD) requirements, failed to cooperate with the Board, and submitted untruthful statements. Tanner entered into a settlement agreement to pay a \$1,500 civil penalty, complete the required PDH units, and renew his registration for violating OAR 820-010-0635(1),(5), OAR 820-020-0015(7),(8) and OAR 820-020-0025(1).

2520– Bret M. Young

The Board issued a Final Order against Bret Young, PE, finding that he failed to provide documentation of 15 delinquent PDH units. The investigation found that Young was working towards completion of the required PDH units in order to return to active status. In addition, he was not eligible for the grace period because he requested it during the investigation and not during the audit. Young entered into a settlement agreement to pay a \$250 civil penalty for violating OAR 820-010-0635(1),(5) and OAR 820-020-0015(7).

2521 – Roger G. Link

The Board issued a Final Order against Roger Link, PE, finding that he failed to provide documentation of compliance with CPD requirements. The investigation found that Link failed to cooperate with the Board during the audit and when contacted during the investigation he admitted to not completing the required PDH units. Link entered into a settlement agreement to pay a \$1,000 civil

penalty for violating OAR 820-010-0635(1),(5) and OAR 820-020-0015(7),(8).

2524 – Douglas W. Weiss

The Board issued a Final Order against Douglas Weiss, PE, finding that he failed to provide PDH documentation and to cooperate with the Board. The investigation found that Weiss submitted partial documentation, but was unable to document the remaining 17.5 PDH units. Weiss entered into a settlement agreement to pay a \$500 civil penalty for violating OAR 820-010-0635(5) and OAR 820-020-0015(7),(8).

2526 – Deron A. Jyo

The Board issued a Final Order against Deron Jyo, PE, finding that he failed to cooperate with the Board in providing PDH documentation. The investigation found that Jyo met the required PDH units, but failed to cooperate with the audit. Jyo entered into a settlement agreement to pay a \$250 civil penalty for violating OAR 820-020-0015(8).

2531– Stephen L. Swinehart

The Board issued a Final Order against Stephen Swinehart, PLS, finding that he failed to respond to an audit of his PDH units and to submit documentation of deficient PDH units during the investigation. Swinehart neither agrees nor disagrees with the Board's findings. Swinehart entered into a settlement agreement wherein his registration was suspended for 90-days and assessed a \$920 civil penalty for violating ORS 672.200(4), OAR 820-010-0635(1),(5), OAR 820-015-0026(1),(2), and OAR 820-

020-0015(7),(8). In order to reinstate his registration, Swinehart was required to submit proof of 30 PDH units for the current period.

2535 – Kenneth A. Reimann

The Board issued a Final Order against Kenneth Reimann finding that he used the seal and engineering calculations of an engineer without permission. The investigation found that Reimann altered original roof-top air conditioner calculations for unauthorized purposes and modified the engineer's seal by obliterating the renewal date. Reimann entered into a settlement agreement wherein he agreed to pay a \$1,000 civil penalty for violating ORS 672.045(1),(2),(3).

2537 – Gary R. Shevik

The Board issued a Final Order against Gary Shevik finding that he engaged in the unlicensed practice of engineering. The investigation found that Shevik signed a Declaration of Engineer for civil litigation, which constitutes the practice of engineering, but he was not registered with OSBEELS as a professional engineer. While the act was recognized as unintentional, Shevik entered into a settlement agreement to pay a \$500 civil penalty for violating ORS 672.007(1)(a)(b)(c), ORS 672.020, and ORS 672.045(1)(2).

2538– Kris Disbrow

The Board issued a Final Order against Kris Disbrow finding that he engaged in the unlicensed practice of land surveying. The investigation found that Disbrow offered on his Web site to conduct mortgage survey inspections, locate monuments and property lines, and prepare maps for clients. Disbrow entered into a settlement agreement to limit their offerings and pay a \$500 civil

penalty for violating ORS 672.025(1), ORS 672.045(1),(2), and OAR 820-010-0720(1).

2539 – Larry Crowley

The Board issued a Final Order by Default against Larry Crowley for the unlicensed practice of engineering. The investigation found that Crowley identified himself as a professional engineer and conducted business as Evergreen Geotechnical Engineering. However, Crowley failed to respond to Board inquiries. The Board issued Crowley a Final Order by Default and assessed him a \$9,000 civil penalty for violating ORS 672.007, ORS 672.020(1), ORS 672.045(2), and OAR 820-010-0720(1).

2544 – David L. Roshau

The Board issued a Final Order against David Roshau finding that he engaged in the unlicensed practice of engineering. The investigation found that Roshau distributed a letter to local businesses offering to provide engineering services. However, he was not licensed. Roshau entered into a settlement agreement to pay a \$500 civil penalty for violating ORS 672.020(1), ORS 672.045(1),(2), and OAR 820-010-0720(1).

2545 – Dwayne H. Kliever

The Board issued a Final Order against Dwayne Kliever, PE, finding that he engaged in the unlicensed practice of surveying. The investigation found that Kliever as a professional engineer tied existing monuments, prepared a map depicting property boundaries, and conveyed that information to his client. Kliever entered into a settlement agreement to pay a \$500 civil penalty for violating ORS 672.025(3), ORS 672.045(1),(2), and OAR 820-010-0720.

2553 – William Walpole

The Board issued a Final Order against William Walpole finding that he engaged in the unlicensed practice of engineering. The investigation found that Walpole was contracted by his former employer to continue to provide machinist duties. He also offered hot rod parts to the public. Walpole entered into a settlement agreement to pay a \$1,000 civil penalty that was waived contingent upon him removing "engineering" from his company name for violating ORS 672.020(1), ORS 672.045(1),(2), and OAR 820-010-0720(1).

2554– David H. Krumbein

The Board issued a Final Order against David Krumbein, PE, PLS, CWRE, finding that he failed to comply with the time limits to cure defects in a Claim of Beneficial Use (COBU) as a CWRE. The investigation found that Krumbein submitted the original COBU claim, but failed to complete the filing of water right documentation due to contracting conflicts. In addition, he failed to cooperate with the Board. Krumbein entered into a settlement agreement to pay \$400 civil penalty and to submit a revised COBU for violating OAR 690-014-0100(1) and OAR 820-020-0015(8).

2574 – Jonathan M. Smith

The Board issued a Final Order against Jonathan Smith, PE, finding that he used the seal of another engineer and was negligent and/or incompetent in an engineering design. The investigation found that Smith prepared a retaining wall design, but sealed the design with another engineer's seal. In addition, the design showed incorrect steel placement and lateral soil pressure. Smith entered into a settlement

agreement to pay a \$1,250 civil penalty for violating ORS 672.200(2),(4), ORS 672.045(3), OAR 820-020-0015(2), and OAR 820-020-0020(2).

2578 – Robert J. Boyer

The Board issued a Final Order against Robert Boyer, PLS, PE, finding that he was negligent in the practice of land surveying by continuously submitting incomplete survey work for review. The investigation found that Boyer failed on several attempts with a property line adjustment and partition plat to provide a complete narrative, explain controlling elements used to establish or reestablish boundary lines, and to describe monuments and the relationship between found monuments. Boyer entered into a settlement agreement to suspend his professional land surveying registration for 90-days and pay a \$1,000 civil penalty for violating ORS 92.050(1),(2), 672.200(2),(4), ORS 209.250(2),(3)(f), OAR 820-020-0015(1),(2), and OAR 820-020-0025(2).

2579 – Jaime J. Lim

The Board issued a Final Order against Jaime Lim, PLS, finding that he was negligent and incompetent in the practice of engineering. The investigation found that Lim designed a non-exempt structure that was analyzed by a professional reviewer. The reviewer found that Lim had failed to label interior columns supporting the floors above, to adequately design the size of the columns, to design column footings, to identify all of the interior columns supporting the roof ridge and to provide supporting calculations, to detail or provide calculations between the steel framed front balconies and the main structure, to prepare project specific details for the steel framed rear stairs and the main structure, to identify the means of shear transfer between building stories, to

reference combined loads in shearwall calculations, to employ cumulative effects of overturning at the lower stories, and to perform foundation calculations for highly loaded holdowns. In addition, he failed to provide proper supervision and control over the design. Lim did not admit to the allegations, but entered into a settlement agreement to retire his professional engineer registration in lieu of revocation without the possibility of reinstatement for violating ORS 672.020(2), ORS 672.200(2),(4), OAR 820-020-0015(2), OAR 820-020-0020(2), OAR 820-020-0025(1), and OAR 820-020-0045(5).

2580 – Troy Fowler

The Board issued a Final Order by Default against Troy Fowler finding that he engaged in the unlicensed practice of engineering. The investigation found that Fowler worked with Jaime Lim to prepare plans for a non-exempt structure. Fowler did not respond to Board inquires. The Board issued Fowler a Final Order by Default that assessed a \$1,000 civil penalty for violating ORS 672.020(1) and ORS 672.045(1)(2).

2581 – James W. Colton

The Board issued a Final Order against James Colton, PLS, finding that he failed to provide notice of right of entry. Colton entered into a settlement agreement to pay a \$250 civil penalty for violating ORS 672.047(4).

2609 – Isaac J. Simkin

The Board issued a Final Order against Isaac Simkin, PE, finding that he failed to provide PDH documentation in compliance

with CPD requirements. Simkin submitted a list of PDH units, but failed to provide documentation of his claimed units. Simkin entered into a settlement agreement to pay a \$1,000 civil penalty for violating ORS 672.200(4), OAR 820-010-0635(1),(5), OAR 820-015-0026, and OAR 820-020-0015(7).

2620 – Peter J. Osredkar

The Board issued a Final Order against Peter Osredkar finding that he provided false and/or forged evidence to the Board in order to obtain a certificate of registration. The investigation found that Osredkar submitted an application to OSBEELS showing engineering experience that later was found to be in direct conflict with experience that he reported to the New York State Bar for application as a Patent Attorney. Osredkar entered into a settlement agreement to retire his registration in lieu of revocation without the possibility of reinstatement for violating ORS 672.045(10) and ORS 672.200(1).

2621 – Dennis C. Berlien

The Board issued a Final Order against Dennis Berlien, PE, finding that he failed to respond to the CPD audit and to cooperate with the Board. When Berlien responded to the investigation, he eventually provided proof of compliance, but had not submitted a change of address. Berlien entered into a settlement agreement after he requested that the Board issue a 90-

day suspension and waive the civil penalty for violating ORS 672.200(4) and OAR 820-010-0605(1).

2622 – Ronald T. Wharton

The Board issued a Final Order against Ronald Wharton, PE, finding that he failed to respond to the CPD audit. The investigation found that Wharton provided the documentation to investigators, but had not submitted a change of address to update his contact information. Wharton entered into a settlement agreement to pay a \$250 civil penalty for violating OAR 820-010-0605.

2626 – Thomas P. Swart

The Board issued a Final Order against Thomas Swart finding that he engaged in the unlicensed practice of land surveying. The investigation found that Swart signed and sealed a partition plat for filing in Marion County after his professional land surveying registration was revoked to settle case #2494. In addition, Swart was found to have violated the #2494 settlement agreement because he was to report all pending projects to the Board and to transfer all unfinished projects to another licensed surveyor. Swart entered into a settlement agreement to pay \$17,500 for violating ORS 672.007(2)(a),(c), ORS 672.025(1), and ORS 672.045(1),(2),(4).

2631 – Geffory N. Adair

The Board issued a Final Order against Geffory Adair, PLS, finding that he failed to submit CPD documentation in support of his claimed PDH units. The investigation found that Adair believed he had accumulated the necessary documentation, but admitted later that he was confused

about what would qualify as PDH units. Adair entered into a settlement agreement to pay a \$500 civil penalty for violating ORS 672.200(4), OAR 820-010-0635(1),(5), OAR 820-015-0026, and OAR 820-020-0015(7).

2633 – Ross A. Fenton

The Board issued a Final Order by Default against Ross Fenton, PE, finding that he failed to submit CPD documentation in support of his claimed PDH units. The investigation found that Fenton was able to submit the supporting documentation to demonstrate compliance with CPD requirements. However, Fenton had not cooperated with the Board during the audit. Fenton declined a hearing or informal conference and reiterated that he had submitted the required documentation. The Board issued Fenton a Final Order by Default that assessed a \$1,000 for failing to cooperate with the Board violating OAR 820-020-0015(8).

2646 – David F. Welker

The Board issued a Final Order against David Welker, PE, finding that he failed to respond to the CPD audit. The investigation found that Welker along with forty other persons were laid-off and escorted out of the building. He was unable to secure his PDH documentation. Welker entered into a settlement agreement to pay a \$1,000 civil penalty for violating OAR 820-010-0635(1),(5) and OAR 820-020-0015(7),(8). ■

Renewal Form

If requesting reinstatement from inactive or retired status, please complete the *Reinstatement from Inactive or Retirement Status* form.

Registrant Contact Information			
First name (personal name)	Middle name or initial	Last name (family name)	
If you have a Social Security number Oregon law requires that it be used. Only use a Passport number if you don't have a Social Security number.			
<input type="checkbox"/> Social Security #	OR <input type="checkbox"/> Passport #	Country issuing passport	Registration #
Birth date (Mo/Day/Yr)	Where do you want correspondence mailed to?		
	<input type="checkbox"/> Home address OR <input type="checkbox"/> Business address		
Home address (include any apartment number)			Home/Personal phone #
City	State	Zip/Postal code	Home email address
Business name		Business phone #	Business fax #
Business address (include any suite number)			
City	State	Zip/Postal code	Business email address

Social Security Guidelines

As part of your application for an initial or renewed occupational, professional or recreational license, certification, or registration issued by OSBEELS, you are required to provide your Social Security Number to OSBEELS. This is mandatory. The authority for this requirement is ORS 25.785, ORS 305.385, 42 USC § 405 (c) (2) (C) (I), and 42 ISL § 666 (a) (13). *Failure to provide your Social Security Number will be a basis to refuse to issue or renew the license, certification, or registration you seek. This record of your Social Security Number will be used for child support enforcement and tax administration purposes (including identification) only, unless you authorize other uses of the number. Although a number other than your Social Security Number appears on the face of the licenses, certificates, or registrations issued by OSBEELS, your Social Security Number will remain on file with OSBEELS.*

If, the United States Social Security Administration has not issued you a social security number, you must follow these guidelines:

- form must be signed by you;
- You are attesting to the fact that no social security number has been issued to you by the United States Social Security Administration; and
- are acknowledging that knowingly supplying false information under this section is a Class A misdemeanor, punishable by imprisonment of up to one year and a fine of up to \$6,250.

By providing the following signature, you are agreeing to comply with the guidelines listed above.

Signature	Date (Mo/Day/Yr)
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(continued on page 16)

(continued from page 15)

Please check the applicable boxes and enclose the appropriate amount	
<input type="checkbox"/> Active registration renewal: \$180.00 each profession <input type="checkbox"/> PE <input type="checkbox"/> PLS <input type="checkbox"/> RPP <input type="checkbox"/> I have attached the CPD Organizational form I certify that I have completed the required professional development hour (PDH) units in accordance with the applicable OARs.	Please refer to the Oregon Administrative Rule (OAR) 820-010-0505 and 820-010-0510 for further details.
Signature	Date (Mo/Day/Yr)
<input type="checkbox"/> Certified Water Right Examiner (CWRE) renewal: \$40.00 No PDH units are required as a condition of renewal for a CWRE certification.	<input type="checkbox"/> Delinquency fee per registration renewal: \$80.00 each profession Please refer to the OARs 820-010-0505 and 820-010-0520 for further details. <input type="checkbox"/> PE <input type="checkbox"/> PLS <input type="checkbox"/> RPP <input type="checkbox"/> CWRE <input type="checkbox"/> I have attached the CPD Organizational form

Select payment method (choose one)			
<input type="checkbox"/> Check or Money Order (payable to OSBEELS)	<input type="checkbox"/> Cash	Amount enclosed:	
<input type="checkbox"/> Debit or Credit Card (Visa, Mastercard, Discover, or AmEx)	Total charge to card:		
Card number	Exp. date	Security code*	Billing Zip/Postal code
Payment Signature (serves as payment authorization if paying by debit or credit card)			
Signature			Date (Mo/Day/Yr)

*** Debit or Credit Card Security Codes**

If submitting a payment to the OSBEELS for fees by debit or credit card, please provide the security code. These codes are a security feature that appears on the back of most Visa, MasterCard, and Discover cards, and on the front of American Express cards. This code is a three or four-digit number which provides a cryptographic check on the information embossed on the card.

American Express Card Users: Look for the 4-digit code printed on the front of the card just above and to the right of the main card number. This 4-digit code is the card security code.

Visa, MasterCard, and Discover Card Users: Flip the card over and look at the signature box. A special 3-digit code will be located in the signature box. This 3-digit code is the card security code.

A Friendly Reminder

Not sure if your registration(s) is current? Visit OSBEELS Web site at www.osbeels.org and click on the "Find a Licensee" link to confirm your registration(s) status.

If you would like to renew your registration(s), mail the form on page 15 to the OSBEELS office:

670 Hawthorne Avenue SE
Suite 220
Salem, OR 97301
Phone: (503) 362-2666
Fax: (503) 362-5454
Email: osbeels@osbeels.org

Employer Checks

If your employer sends a check for your renewal, please ensure that it includes your registration number(s) and certification of Continuing Professional Development requirements. If these items are not included, it will delay the renewal process. ■

Social Security Number on Renewal Forms

To comply with child support enforcement and tax administration law, OSBEELS requires that all applicants and licensees provide their Social Security numbers. The Oregon Revised Statute (ORS) 25.785,

specifically requires that the Social Security number be recorded on an application for, or form for renewal of, a license, certificate or registration. If you have not been issued a Social Security number, OSBEELS will accept a written certification to fulfill this requirement. ■

Deceased Registrants and Certificate Holders

If you are aware of a registrant who has passed on, please contact OSBEELS at (503) 362-2666. OSBEELS would like to update its records and avoid sending renewal notices and other communications to the families. ■

Digital Signatures

In July 2008, the Board adopted language to allow for digital signatures as an alternative to a handwritten signature in permanent ink. In view of the new alternative, questions and requests for clarification have been received by the Board office from registrants and Building Officials. The Board has also been presented with several variations of digitally signed documents from registrants based upon their interpretation of the Oregon Administrative Rule (OAR) 820-010-0620.

In sum, an "electronic" signature can be a hand written signature scanned and added to a document. Whereas a "digital" signature provides a significantly higher level of security and requires authentication. A digital signature is unique to and under the sole control of the person using it and provides signer authentication from a third party. The digital signature

provides document authentication in a manner that, if altered, the digital signature becomes invalid. Furthermore, a "Certification Authority" is a trusted third party that can associate an identified signer with a specific key to verify the authority of the signer and is used to obtain a digital signature. Self-signed certificates can be created by any individual with no outside verification.

Variations of digitally signed documents were submitted to the Professional Practices Committee of the Board for consideration and information can be found in the October 15, 2010 minutes of the meeting. For additional information regarding digital signatures, please visit the Board's Web site at www.oregon.gov/osbeels. On the right hand side of the home page, under *Resources*, you can find a link that directs you to a paper written by Ron Singh, PLS, "Digital Signatures for Engineering Documents."

Please note that OAR 820-010-0620(5) allows for a digital signature as an option to a handwritten signature; therefore a seal is still required and an "electronic" signature is not permissible. If you have any questions, please submit them in writing to the Professional Practices Committee for consideration.

820-010-0620 Official Seal

(5) A digital signature, as an option to a handwritten signature in permanent ink is acceptable for final documents.

- (a) The digital signature must be:
- (A) Unique to the registrant using it; and
 - (B) Capable of verification; and
 - (C) Under the sole control of the registrant using it; and
 - (D) Linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.
- (b) Documents signed using a digital signature will bear the phrase "digital signature" in place of the handwritten signature. ■



Oregon
 BOARD OF EXAMINERS
 FOR ENGINEERING &
 LAND SURVEYING

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 SALEM, OR
 PERMIT NO. 106

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 Salem, Oregon 97301

tel. 503.362.2666
 email: osbeels@osbeels.org
 Web: www.osbeels.org

Please list an email address below to receive the newsletter electronically. However, if you do not have an email address and would prefer to receive the newsletter by mail, please provide a mailing address.

You may return the information by email to osbeels@osbeels.org, by fax to (503) 362-5454, or by mail to the address listed above. Please note, by submitting this form, the contact information in which Board correspondence is sent will not be changed. Please utilize the Registrant Information Update form to comply with Oregon Administrative Rule (OAR) 820-010-0605.

Registrant Information

First name (personal name)	Middle name or initial	Last name (family name)
.....
Email Address	Registration or certificate number, if applicable	
.....	

To receive the print edition of *The Oregon Examiner*, please complete the information below.

Home Business

Mailing address (include any apartment/suite number)

.....

City	State or Province	Zip/Postal code	Country
.....