



# Oregon

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

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**DRAFT**

Minutes of Meeting

January 8, 2008

## **CALL TO ORDER**

President Laszlo 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:**

Susanna Laszlo  
Samantha Bianco  
Edward Butts  
Grant Davis  
Dan Linscheid  
Mari Kramer  
John Seward  
Ron Stuntzner  
Carl Tappert  
Amin Wahab

### **Visitors Present:**

Gary Anderson, PLS, PLSO Liaison  
Marv Pyles, PE

### **Others Present:**

Mari Lopez, OSBEELS Executive Secretary  
Jennifer Gilbert, OSBEELS Executive Assistant  
Joanna Tucker-Davis, Assistant Attorney General

## **APPROVAL OF AGENDA**

It was moved and seconded (Davis/Tappert) to approve the agenda. The motion passed unanimously.

## **APPROVAL OF MINUTES**

Mr. Davis noted that Mr. Butts informed the Board of his absence for the November 13, 2007 meeting. It was moved and seconded (Grant/Kramer) to approve the minutes, as revised, for the meeting of November 13, 2007. The motion passed unanimously. President Laszlo provided

similar comments expressed during the November meeting related to the information and timing of the minutes. In addition, she stated concern of the inadequate time allowed for review of the board packet information.

## **PUBLIC INPUT**

President Laszlo welcomed the guest, Gary Anderson, PLS. Mr. Anderson shared his concern related to the posting of minutes. Ms. Lopez commented that the Public Meetings Law requires written minutes of a meeting be made available to the public “within a reasonable time after the meeting.” The structure of Board and the current workload of staff must be taken into consideration. Mr. Anderson also requested for a list of individuals recently licensed as a land surveyor or photogrammetrist to be sent to the Professional Land Surveyors of Oregon (PLSO). PLSO currently offers free membership to PLSs and may do the same for RPPs.

## **EXECUTIVE SECRETARY’S REPORT**

### Committee Activities

Ms. Lopez reported that the Examinations and Qualifications Committee, External Relations Committee, Finance Committee, Law Enforcement Committee, Professional Practices Committee and Rules and Regulations Committee each met during the interim. The Committee minutes were included in the packets. She also noted that a Joint Compliance Committee (JCC) meeting was held with the Oregon State Board of Geologist Examiners (OSBGE) on November 14, 2007.

### Administrative Activities

#### *October 2007 Examinations*

Ms. Lopez stated that the FE, FLS, PE, and PLS examination scores have been sent. Examinees that failed an October 2007 exam will not be given an extended deadline to submit a re-application form. She noted that staff is preparing for the April examinations.

#### *NCEES Committee Assignments for 2008-2009*

A brief discussion was held regarding participation in an NCEES Committee. Ms. Lopez noted that information was distributed in the packet and the deadline for submission is January 18, 2008. President Laszlo inquired if any members were interested. Mr. Linscheid stated that he had received the information by e-mail and responded positively. Mr. Davis will follow-up if he must renew his interest in the structural committee.

#### *Associate and Emeritus Status*

Ms. Lopez mentioned that a copy of an NCEES memorandum regarding the Appointment of Associate and Emeritus Members, along with a list of current members was included in the packets. The deadline for revisions is February 1, 2008. President Laszlo noted that in the recent past, the Board has not submitted individuals to the Emeritus Member status. However, President Laszlo is aware of Past President Bob Neathamer’s interest in the Emeritus Member status. There was a brief discussion on the role of an Emeritus Member and the requirement and expectations to report back to the Board on a regular basis. Ms. Lopez reported, from previous research, that Emeritus Members work with the NCEES and benefits Oregon by informing the

Board of current activities at the national level. It was moved and seconded (Linscheid/Davis) to submit Bob Neathamer as an Emeritus Member of the Oregon, contingent upon his agreement. The motion passed unanimously. Ms. Lopez will contact Mr. Neathamer and discuss the role, requirement, and expectations as an Emeritus Member. Ms. Lopez will then inform the members of the outcome by email. A brief discussion was held regarding the necessity of promulgating a rule. It was determined that this is a policy matter for the Board and not required in an administrative rule.

#### *NCEES Exam Administration Forum*

In a continuing effort to maintain the integrity of the examination, Ms. Lopez reported that the NCEES will host an Exam Administration Forum on February 20 & 21, 2008 at the NCEES headquarters in Clemson, SC. Since the forum will be designed to address all aspects of the exam administration process, Ms. Lopez and Lauren Olson, Registration Coordinator, have been requested to attend.

#### *NCEES President-Elect*

Ms. Lopez included an email request from Christine Turk, Executive Director for the Wyoming Board of PE/PLS regarding support for Western Zone Vice President Dave Whitman's nomination for NCEES President-Elect in August 2008. She stated that Mr. Whitman and the Wyoming Board would like to prepare a flyer stating that all Boards in the Western Zone support his nomination. After discussion, the members concurred to remain silent on support at this time.

#### *The OSBEELS' Employee Handbook and Policies*

Ms. Lopez reported that DAS completed their review of the employee handbook and requested that all of the policies which incorporate, by reference, the DAS personnel policies be modified as an OSBEELS policy. In other words, the policy should not refer the reader to a DAS policy. A supporting email from AAG Kathryn Logan, dated December 3, 2007, was included in the packets. Ms. Lopez stated her concerns in staying current with the laws, especially those such as the Americans with Disabilities Act or Military Leaves. However, DAS has informed Ms. Lopez that information and updates will be provided.

#### *Oregon State University CE 418*

Ms. Lopez reported that Shantelle Meyer, Information Coordinator and John Seward, PE are scheduled to present information concerning the importance of licensure and the process of licensure to approximately 58 students on Wednesday, January 9, 2008. Franklin E. Sherkow, P.E., Director of Outreach, Civil Engineering extended the invitation to the OSBEELS and also expressed an interest in scheduling a future meeting to discuss how OSU and the OSBEELS can encourage registration, and to solicit ideas for possible changes to their curriculum to ensure better passing rates. Mr. Stuntzner mentioned that a Board meeting was held on the OSU campus in the past. He suggested that the Board hold a meeting on the OSU campus in the near future to assist with the promotion of licensure. The members concurred. Staff will attempt to schedule the May meeting on the OSU campus.

### *Engineering Licensure Month*

Ms. Lopez reported that the Board received a proclamation from the Office of the Governor to officially recognize a Century of Engineering Licensure, 1907-2007. Governor Kulongoski proclaims October 2007 Engineering Licensure Month in the State of Oregon.

### *Board Vacancies*

Ms. Lopez stated that the Board has yet to fill the engineer position vacated by George Gross. However, Ken Hoffine, PE/PLS/CWRE will officially be appointed to the Board for the Professional Engineer/Professional Land Surveyor position soon to be vacated by Ron Stuntzner, PE/PLS/CWRE (6/30/08).

### *2005 – 2007 Audit*

Ms. Lopez noted that auditors will be present in the Board office next week to conduct field work. The CPA firm that processes payroll is assisting in the financial statements for the auditors.

**President Laszlo took the Board into Executive Session as provided by ORS 192.660 (2)(i) to evaluate the Executive Secretary.**

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

## **PRESIDENT'S REPORT**

President Laszlo informed the members that, as discussed during the September 11, 2007 meeting, a recognition certificate was completed for Marv Pyles. She summarized the statements of appreciation and recognition of Mr. Pyles' efforts to assist the Board. Unfortunately, Mr. Pyles was unable to attend the meeting due to prior commitments.

President Laszlo summarized an exchange of communication between Bill Wilson, Architect Board Member, and herself regarding the joint task force. She commented that the joint task force is a useful model in how it works with another Board regarding joint issues, common practice, and disciplinary action. Mr. Wilson agreed and also commented that new members become involved to maintain continuity.

President Laszlo summarized the Joint Compliance Committee (JCC) meeting held on November 14, 2007. Two new members from Geology Board were present. She noted that quite a bit of time was spent discussing and revisiting the MOU to educate the new members. Although both Boards desire the same outcome, an extensive discussion was held regarding the process of reaching the goal. Discussion was also held on previous cases to develop a better understanding. Mr. Seward reported that he recently spoke with one of the Geology Board members and was informed that they are requesting an opinion from their AAG regarding the duties a Certified Engineering Geologist (CEG). It appears that there is a difference of opinion concerning the interpretation of "design" as it relates to ORS 672.505(3).

President Laszlo shared with the members, communication received from Noriko Shikano, Japan PE/FE Examiners Council, regarding the publicity for the examinations held in Japan. Representatives from NCEES were also present during the October 2007 administration.

Lastly, President Laszlo reminded the members that they do not represent the Board as a whole in outside activities. Since members are transient, she requested to please delegate activities to the staff, as they will be the first point of contact for the public. Additionally, if a member is unable to attend a committee or board meeting, please notify Mari, Jenn, or the chair of the committee. A member's attendance is relied upon for participation. She also noted that familiarity with ORS 182.010 and 182.020 are important. These statutes contain guidance on nonattendance of members and the required reporting to the Governor's office.

## **FINANCIAL REPORT**

Mr. Tappert reported that the Finance Committee met on December 11, 2007, to discuss the following matters:

### *Classification and Compensation Consultation*

Mr. Tappert briefly summarized the information provided by staff related to the updated personnel services information for the 2007 – 2009 biennium. Since this is the single biggest expense for the Board, it was important to have reliable projections for the upcoming discussion related to the restructuring of fees.

### *Audit Information*

Mr. Tappert verified Ms. Lopez's previous statements regarding the audit work that will be conducted next week. He stated that a benefit to utilizing the CPA firm is their knowledge in the PeachTree software that the Board will be migrating to shortly. With the migration, Mr. Tappert noted that the account codes will be modified to streamline the budgeting process. Further discussion regarding the account codes will be held during the February meeting.

### *Division of Child Support – Report Fees*

Mr. Tappert reported that the Board entered an interagency service agreement with the Department of Justice, Child Support Division to comply with ORS 25.756. The Committee determined that the cost for this information is equivalent to the list of licensees outlined in OAR 820-001-0020(3)(c) - \$50.00.

### *Consider Increase in Fees for Registration Renewal*

Mr. Tappert summarized the process of the Committee to project the revised budget. The Committee reviewed historical data to determine the amount of revenue that can be anticipated for renewal and exam application fees. He reported that the Committee determined that, at a minimum, a balance of \$400,000 should be held in reserves. This amount will allow the Board to maintain essential functions in the case of an emergency. In addition, the Committee recommends a review of the fees every biennium.

Mr. Tappert noted that the information provided in the summary was based on a secondary review of the budget after the Committee meeting. With the secondary review, Mr. Tappert

recommended a change to the initial fee increases related to the annual renewal fees. After discussion, it was determined to maintain the initial proposed increase. This may alleviate a need to increase the renewal fees during the next biennium. President Laszlo noted that the proposed increase to fees seem reasonable compared to association dues and also commented that the last increase to renewal fees occurred in 1999.

Mr. Tappert stated that the recommendations made by the Committee proposing an increase to fees will be presented during the Rules and Regulations portion of the meeting, for approval to begin the rulemaking process.

## **LAW ENFORCEMENT COMMITTEE**

Mr. Linscheid reported that the Law Enforcement Committee met on December 11, 2007. He reported there were no cases on the consent calendar and no informal conferences were held, however, the following matters were discussed:

### Cases Reviewed

#### *2396 – Catherine Nelson/Doug Spencer*

Mr. Linscheid reported that both the respondent and complainant are registrants employed by the Oregon Department of Transportation (ODOT). Ms. Nelson is the Director of Technical Services and Mr. Spencer is a control systems engineer. He noted that this case is substantially related to case 2397. Mr. Linscheid recounted the core issues of standard drawings and the sealing, signing, and management of engineering plans and documents. He noted that there has been positive progress, in that Ms. Nelson has continued to modify the ODOT procedures to align with ORS 672 and OAR 820. The Board agreed with the Committee to have staff work with AAG Tucker-Davis to summarize the issues for a meeting with Ms. Nelson and Mr. Cooley. The goal would be to invite them to the February meeting.

#### *2397 – Steven Cooley/Doug Spencer*

Mr. Linscheid reported that Mr. Cooley sealed and signed contract specifications that were not prepared under his supervision and control per ORS 672.002(10). The investigation revealed a violation that occurred due to the ODOT policies. Mr. Linscheid reminded Board members that this case is related to case 2396 and proposed to be discussed during the February meeting. Board members also reviewed the investigation finding of the ODOT staff positions where unlicensed individuals have “engineer” in their position titles. After a brief discussion that since the ODOT is a public agency, staff and AAG Tucker-Davis should continue to work together and with the ODOT on compliance.

#### *2454 – Carter Case/Oregon Board of Architect Examiners*

Mr. Linscheid reported that the complainant alleged that Mr. Case altered another registrant’s engineering plans. The allegations were found meritorious violating ORS 672.045(1) and (3). The Committee approved issuing Case a Notice of Intent of Assess a \$1,000 Civil Penalty.

#### *2459 – Nabil Taha/Anonymous*

Mr. Linscheid reported that the Board received two separate anonymous complaints alleging that Mr. Taha operated a branch office without a resident engineer in charge. While the allegations

were found not meritorious, he stated that other violations were found. Specifically, Mr. Taha assisted and aided in the unlawful practice of engineering by assigning an engineer in training (EIT) the title of “design engineer” violating ORS 672.007(1)(a). Mr. Taha also stated the EIT had “completed structural design” violating ORS 672.007(1)(c). The findings were found meritorious violating OAR 820-020-0045(5). He stated the Committee approved issuing Mr. Taha a Notice of Intent of Assess a \$1,000 Civil Penalty. It was observed that a civil engineer may perform the structural engineering not contained in ORS 672.107 on non-significant structures. There was also a brief discussion on action taken against Mr. Taha; not the EIT. Mr. Wilkinson explained that in this case, it was determined that the EIT was not violating the rules because Mr. Taha assigned him the title and duties. In addition, Mr. Taha took full responsibility for the characterizations.

### Miscellaneous Issues

Mr. Linscheid briefly reported on the Miscellaneous Issues provided in the board packet contained a number of complaints that were not opened for a variety of reasons. Without any further discussion of specific miscellaneous issues, he noted that staff is trying to stay on top of incoming complaints by identifying and resolving those issues that are not appropriate for law enforcement action.

*Nim Beseda:* The Committee recommended not opening a case file.

*Steven Hurst:* This is not an issue under the OSBEELS authority.

*Registration of EIT:* Not required for EITs who successfully tested in another jurisdiction and are now living in Oregon.

*Notification to OSBGE:* Through JCC members, the OSBGE was notified of a potential violation.

*Richard D. Stumpff:* Letter of concern sent for failing to make timely and full payment of all fees.

*Review Posting of Names in LEC Minutes:* Based on advice from AAG Tucker-Davis, the Committee recommended no change to the current practice.

*Lyle E. Hutchens, Devco Engineering:* The Committee recommended to not open a case file and to send him a letter thanking him for his continued cooperation.

*Reports on LEC Closed Cases:* This change allows members to track debt collection from respondents with outstanding law enforcement penalties.

### Professional Reviewer and Expert Witness

Mr. Linscheid informed the Board that additional professional reviewer and expert witness applications have not been received.

### Closed Cases Subject to Monitoring

*2348 – Ruben Michael Martinez*

Mr. Linscheid reported that a hearing regarding the revocation of the land surveying registration of Mr. Martinez was held before Administrative Law Judge (ALJ) Gutman on November 27, 2007. At the conclusion of the hearing, ALJ Gutman observed that Mr. Martinez had failed to appear for the hearing at the noticed date, time, and place and that the Board was authorized to prepare and issue a Final Order by Default to revoke his registration. The Committee recommended approval of the Final Order by Default of Revocation. It was moved and

seconded (Linscheid/Stuntzner) to approve issuing the Final Order by Default of Revocation.  
The motion passed unanimously.

*2462 – Thomas H. Burton*

Mr. Linscheid stated that Mr. Burton signed a settlement agreement on September 11, 2007. Mr. Burton submitted evidence that his currently pending land surveying work had been transferred to a licensed land surveyor. The Committee recommended that the document submitted was sufficient. It was moved and seconded (Linscheid/Stuntzner) to approve the evidence submitted by Mr. Burton as meeting a portion of the settlement agreement. The motion passed unanimously.

### Closed Cases Subject to Collections

#### *Update on Collection Efforts*

Mr. Linscheid reported that when a respondent signs a settlement agreement that includes a civil penalty payment clause, there is currently no penalty for missed payments. The Committee approved a 15% rate to be applied to the unpaid balance if they fail to make payments and a default occurs. The specific wording regarding the application of interest rates would be included in future settlement agreements. After a brief discussion, it was moved and seconded (Linscheid/Stuntzner) to approve a 15% interest rate for settlement agreements when a person fails to fulfill civil penalty payments. The motion passed unanimously.

### Case Status Report

A discussion was held regarding the case status report. It was observed that some cases are reaching a point where it will be difficult to seek sanctions. Ms. Lopez responded that she anticipates an overhaul to the law enforcement department. The law enforcement department should function similarly to the examination department. AAG Tucker-Davis also commented that an issue with the older cases is that they are more difficult to prove. However, there is no statute of limitations, but a fairness issue. If violations are found, then a sanction can be set to account for “good behavior” during this period.

A broader discussion commenced regarding other state agencies management of law enforcement. It was noted that some agencies have a base formula for staff to determine the violations and sanctions. Conceptually, staff could place a case and proposed sanction for “lower level violations” on a consent calendar. If there is a protest, then the Committee would discuss the case. However, there are many different processes and models that already exist.

### Guest Discussion

Mr. Anderson inquired about right-of-entry complaints. Previously, the Committee had noted an increase in the number of right-of-entry complaints and the PLSO had worked to inform their members of the requirements. The current case status shows three right-of-entry complaints. Mr. Wilkinson observed that some individuals use the right-of-entry allegations in a property line dispute as a means to protest the outcome when negligence is not apparent and not from a failure of the surveyor to notify.

## **PROFESSIONAL PRACTICES COMMITTEE**

Mr. Tappert reported that the Professional Practices Committee met on December 12, 2007, to discuss the following matters:

### *Guest Discussion*

Mr. Tappert summarized the guest discussion regarding seals on standard drawings. The Committee concurred that standard drawings should be stamped by the engineer in responsible charge. Although standard drawings may be used for a variety of projects, the professional engineer must determine the appropriateness of the application. There was also discussion regarding the validity of a standard design if the seal was no longer current. Mr. Tappert reported that the standard drawing would be valid, if at the time of the design, the seal was current. The results of the discussion were included in a follow-up email.

### *Jurisdictional Issue*

Mr. Tappert reported that the Committee received an inquiry if a licensed engineer is exempt from the requirement of obtaining a contractor's license. After a brief discussion, he stated the Committee responded that the Board does not have jurisdiction over the matter; the Construction Contractor's Board has the authority. AAG Tucker-Davis further clarified that there is an exemption in the Contractor's law for engineers, however, the Board does not interpret ORS 701. She also stated that it was not entirely clear what the situation and facts were from the inquiry. Staff was directed to respond accordingly.

### *Signature Question*

Mr. Tappert summarized the discussion held regarding a signature block. It seemed that a report was submitted without the appropriate signature and seal. It appeared that a copy of report was released with a signature of a co-worker. The Committee was unsure of the events that actually occurred from the inquiry and referred the inquirer to the laws and rules related to sealing final documents. It was also noted that the seal was not compliant with Exhibit 1 of OAR 820-010-0620. Staff responded accordingly.

### *Conservation Districts*

Mr. Tappert reported to the members that an inquiry was received from the Malheur County Soil and Water Conservation District regarding exemptions from the practice of engineering. A list of services provided that identified requirements for a professional engineering license were provided for review. Mr. Tappert stated that regardless of the services provided, the practice of engineering is defined in ORS 672.005. President Laszlo noted that it was also difficult for the Committee to determine if the services were being provided to the general public.

### *Property Line Adjustment or Replat*

Mr. Tappert summarized the discussion held regarding a professional land surveyor inquiry regarding the necessity of filing a replat. After receiving an approval from the City, the County Surveyor required a replat of the subdivision. The PLS proposed to reconfigure an existing subdivision through property line adjustments. The PLS stated that the property line adjustments would not change the subdivision boundaries, total number of lots, or any internal public rights-

of-way. After discussion, the basic question was whether the Board had authority to respond. Mr. Tappert stated that the decision of the County Surveyor remains.

#### *Reference Manual for Building Officials*

Mr. Tappert updated the members that a meeting will be scheduled around the February committee meeting dates to discuss the matter of fire protection engineering. Information in the Reference Manual for Building Officials, on page 28 in the “Stamping” portion of the *Frequently Asked Questions and Commentaries*, relates to the requirement of a qualified engineer or architect to design and seal drawings for sprinkler systems.

#### *Electronic Signatures on Plans*

Mr. Tappert briefly summarized the discussion held regarding electronic signatures. He stated the Committee response included the OAR requiring wet signatures, but recognized the efforts currently underway to accommodate digital signatures. A joint Rules and Regulations/Professional Practices meeting will be held in February regarding the matter.

#### *Notice of Termination*

Mr. Tappert stated the Committee received an inquiry regarding the notification requirements of engineers that terminating a project prior to completion. After discussion, he noted that the Committee found no requirement in the rules but did inform the inquirer of the Rules of Professional Conduct.

#### *GIS Sworn Testimony*

Mr. Tappert briefly stated that the Committee received a memorandum from AAG Tucker-Davis regarding GIS personnel giving testimony. The opinion stated that providing a sworn testimony could be a violation of the practice of land surveying.

#### *Next Edition of the Reference Manual for Building Officials*

Mr. Tappert reminded the members that it is the OSBEELS turn to take the lead on publishing the next edition of the Reference Manual for Building Officials. As mentioned in a previous discussion, the current edition does not have the current rule regarding professional seals. President Laszlo mentioned that a joint meeting with the Architect Board would be appropriate. During this future meeting to take place prior to the September 2008 Board meeting, she would introduce the new members from the OSBEELS Board. She clarified that the participating members are from the Professional Practices Committee and Mr. Davis due to his structural expertise.

### **EXTERNAL RELATIONS COMMITTEE**

Ms. Kramer reported that the External Relations Committee met on December 12, 2007, to discuss the following matters:

#### *Oregon Examiner*

Ms. Kramer reported that the Committee reviewed the new layout of the Oregon Examiner. The members requested a few minor modifications to this edition, if timing allowed. Ms. Lopez confirmed the newsletter is in the “proof” stage and there should be time to allow for the

modifications. Ms. Kramer summarized the topics to be included in the Spring 2008 edition. She also encouraged the chair of each committee to recognize topics that could be addressed and included in future editions.

#### *Website*

Ms. Kramer stated that the Committee briefly reviewed the new look of the Web site that will be held on Oregon.gov. She noted that staff reported a February goal to have the Web site fully migrated.

### **RULES AND REGULATIONS COMMITTEE**

Mr. Davis reported that the Rules and Regulations Committee met on December 12, 2007, to discuss the following matters:

#### *Pre-Registration Questionnaire*

Mr. Davis briefly summarized that there are no provisions for applicants applying for registration by examination requiring successful completion of a pre-registration examination covering questions on laws, procedures and practices in the State of Oregon. Included in the packets were proposed draft rules of OAR 820-010-0415, 820-010-0425 and 820-010-0427 for Board consideration to begin the rulemaking process.

#### *OAR 820-010-0605 – Address Changes; Service of Notice*

Mr. Davis briefly summarized the draft rule included in the packets regarding the requirement for a registrant to inform the Board of an email address. This rule is presented for approval to begin the rulemaking process.

#### *Process for Apostille Requests*

Mr. Davis summarized the discussion regarding requests received to provide notarized certificates to the Secretary of State Notary Public Section so an apostille can be received. He stated that the Committee will discuss the process further during the February meeting.

#### *Information to be Furnished by Registered Professional Photogrammetrist Applicants*

Mr. Davis reported the Committee reviewed the draft rule OAR 820-010-0236 – Information to be Furnished by Registered Professional Photogrammetrist Applicants. The proposed draft of this rule, included in the packets, correlates to the rules for PE, PLS, and WRE applicants found in OAR 820-010-0230, 820-010-0231, and 820-010-0235 respectively.

#### *Review ORS 672.028 (RPP Seal)*

Mr. Davis summarized the discussion held regarding the AAG Memorandum answering the question if the Board has the authority to promulgate a rule that would require registered professional photogrammetrists to sign and seal their documents. The Board does not have the authority to promulgate such a rule. AAG Tucker-Davis gave a condensed version of her memorandum explaining that the current law is presumed a deliberate choice by the legislature to omit a seal requirement for photogrammetrists. Mr. Davis further explained that Board would need to consider legislative action to require a seal for RPPs. It was then questioned if the Board should delete the rule related to seals for photogrammetrists. After discussion, no decision was

made. However, staff will provide a list of matters the Board has determined to consider for future legislative actions at the February meeting.

#### *Review OAR 820-010-0255 - References*

Mr. Davis briefly summarized the brief discussion held regarding references required with applications for examination, applications for registration based upon examination in another jurisdiction, and applications for registration by comity. Due to time constraints, staff will work with AAG Tucker-Davis on revisions for further review and discussion at the February meeting.

#### *Update on Photogrammetry Examination*

Mr. Davis and staff provided a brief update on the availability of the photogrammetry examination. An exam is now available through the Colonial States Boards of Surveyor Registration. Ms. Lopez noted that an amendment to the ELSSES contract would need to take place should the Board request the ELSSES to administer the examination on behalf of the OSBEELS. To date, no applications have been received for the April 2008 administration.

#### *Goals*

Mr. Davis noted that the previous goals and mission of the Rules and Regulations Committee were brought to his attention. President Laszlo noted that each chair should review their goals and mission for discussion at the next committee meeting. Input should be directed to the committee chair for discussion with the full committee and a recommendation for full Board consideration during the March meeting.

#### *Digital Signatures*

Mr. Davis noted that a joint meeting with the Professional Practices Committee will be held during February to discuss digital signatures. He recommended that the members review the language contained in the Arizona regulations and the NCEES Model Law related to electronic signatures. Mr. Linscheid mentioned language contained in other statutes that may inhibit the process. Other concerns were also voiced regarding unintentional consequences of implementing a method to allow digital signatures.

Mr. Davis directed the member's attention to the proposed rules drafted by the Committee. Presented to the Board for approval in proceeding with the rulemaking process were: OAR 820-010-0236 – Information to be Furnished by Registered Professional Photogrammetrist Applicants, OAR 820-010-0305 – Fees, OAR 820-010-0325 – Budget, OAR 820-010-0415 – Nature of the Examination for Professional Engineer (PE), OAR 820-010-0425 – Nature of the Examination for Professional Land Surveyor (PLS), OAR 820-010-0427 – Nature of the Examination for Professional Photogrammetrists (RPP), and OAR 820-010-0605 – Address Changes; Service of Notice. It was moved and seconded (Linscheid/Davis) to proceed with a March Rulemaking Hearing on the presented draft rules. The motion passed unanimously. Discussion was held regarding notification of the Rulemaking Hearing. Since the newsletter has yet to be distributed, it was determined that information will be included informing readers of the proposed rules. Information will also be provided on the OSBEELS Web site and in the February Oregon Bulletin.

## EXAMINATIONS AND QUALIFICATIONS COMMITTEE

Ms. Kramer reported that the Examinations and Qualifications Committee met on December, 12 2007, to discuss the following matters:

### *The Examination Solution Team (TEST)*

A brief teleconference was held at 1:00 p.m. with representatives of TEST, Inc. to clarify information received regarding their services. The members inquired about the process, the types of examinations they could assist with, and the associated fees. Ms. Kramer thanked the representatives for their time and stated that communication would be made if the Board determined further interest.

### *Guest Discussion*

Ms. Kramer summarized the discussion held with Desiree Tullos, a representative from the Water Resources Graduate Program at Oregon State University. Ms. Tullos is concerned with the qualifications outlined in the rules for entrance to the FE exam. She did not want to continue her encouragement of licensure if they failed to qualify after graduation of the program. The students enrolled in this program do not quite fit within OAR 820-010-0225(3)(d) and Ms. Kramer stated that applications would be reviewed individually.

### *Oregon Administrative Rule (OAR) 820-010-0225(2)*

Ms. Kramer summarized the discussion held requesting clarification for applicants who wish to sit for the FE examination while obtaining a Masters Degree. OAR 820-010-0225(2) specifically states “*in the applicants senior year.*” Ms. Kramer stated that the Committee will follow the AAG opinion and revise OAR 820-010-0225(2), to state “*prior to graduation.*” The rule will be referred to the Rules and Regulations Committee for further review.

### *Marv Pyles*

*(Mr. Pyles joined the meeting at approximately 12:30 p.m.)*

President Laszlo presented Marv Pyles with a certificate of appreciation from the Board. The certificate was in recognition of his outstanding efforts to promote licensure and the forestry examinations. Mr. Pyles also expressed his gratitude for the recognition from the Board.

### *Dean's List Transcript Documentation*

Ms. Kramer summarized the discussion held regarding documentation submitted for the release of examination scores. Ms. Lopez explained that many questions are still arising. Additional information must also be considered in the process previously adhered to by staff. After a brief discussion, it was determined that the Committee will discuss the matter further during the February meeting.

### *Expiration of Engineer Interns and Land Survey Interns*

Ms. Kramer noted that requests have been received for verification for EIs and LSIs that have expired. She stated that the expiration of the EI or LSI would be indicated on the verification, along with an additional statement explaining the expiration date.

### *Request for Retirement Status/Process*

Ms. Kramer reported that a request was received to be place a license in the retirement status even though the individual did not meet the age requirement. However, official documentation was submitted showing legal disability granted by the Social Security Administration since January 2002. She stated that the Committee determined that the individual was able to place the license into the inactive status defined in OAR 820-010-0520(3), and once retirement age was reached, the license may be placed in the retired status.

She further summarized the discussion held regarding the process when an individual whose license is considered delinquent requests for the license to be placed into the retired status. Ms. Kramer stated that the Committee initially determined for those individuals to bring their license into active status first, and then once their license is current, the license may be placed into retired status at the next renewal period. However, Ms. Lopez brought to the attention of the Board that this may not be a reasonable process for all requests. Further discussion will be held during the February meeting for clarification.

### *NCEES Letter Regarding Exam Irregularity*

Ms. Kramer briefly noted that the Committee reviewed a letter from NCEES regarding an exam irregularity for an examinee proctored in Connecticut. She stated that the examinee violated OAR 820-020-0040(1)(l) examination subversion, and that the results are considered null and void.

### *Informational*

Ms. Kramer briefly listed the items provided to the Committee for information purposes. It was noted that the results for the Washington Structural III examination were not yet received. There were no questions or further discussion.

### *Certified Water Right Examiner (CWRE) Test*

Mr. Stuntzner reported to the Committee that he had spoken with Dwight French at the Water Resources Department, regarding the Water Rights Exam. Mr. French informed Mr. Stuntzner that he is not interested in attending a Board or Committee meeting; he would prefer a meeting with Board staff regarding the Memorandum of Understanding for the CWRE test. Staff will respond accordingly.

### *Reference Procedure*

Ms. Kramer briefly summarized the discussion held regarding references received that are less than positive. She stated that staff will contact individuals to obtain more information for further review by the Committee.

### *Review of Applications*

Ms. Kramer noted that the Committee reviewed 8 comity applications and 3 exam applications. In addition, the Committee reviewed 5 re-applications from those who did not achieve a passing grade in their first and second written examinations.

### *Appeals in Process*

Ms. Kramer briefly noted that an appeal was received from an individual for the April 2007 Forest examination. The appeal was sent to Mr. Pyles and Dale Mix for review.

### *Continuing Professional Development (CPD) Audit*

Ms. Kramer reported that the Committee is scheduled to review information submitted in response to the CPD audit. 364 professional registrants were requested to participate.

### Licensure

*Comity Applications* – Ms. Kramer directed the members’ attention to the list of 63 applicants for licensure by Comity. It was moved and seconded (Kramer/Seward) to approve the list of 63 applicants as presented. The motion passed unanimously.

*Applications by Prior Practice* – Ms. Kramer directed the members’ attention to the applicant seeking Geotechnical registration by prior practice. It was moved and seconded (Kramer/Linscheid) to approve the applicant as presented. The motion passed unanimously.

Ms. Kramer directed the members’ attention to the list of 18 applicants seeking Photogrammetry registration by prior practice. It was moved and seconded (Linscheid/Davis) to approve the list of 18 applicants as presented. The motion passed unanimously.

*First Licensure Applications* – Ms. Kramer directed the members’ attention to the applicant seeking registration based on examination in another jurisdiction. It was moved and seconded (Kramer/Linscheid) to approve the applicant as presented. The motion passed unanimously.

## **UNFINISHED BUSINESS**

President Laszlo announced the members of the Executive Secretary Evaluation Committee for the upcoming year. John Seward will be the Chair of the Committee, with participating members, Mr. Tappert and Mr. Davis.

## **ADJOURN**

The meeting was adjourned at 2:00 p.m.

## **NEXT MEETINGS**

### Next Board Meeting:

March 11, 2008

### Next Committee Meetings:

EXAMINATIONS & QUALIFICATIONS: Monday, February 4<sup>th</sup> at 8:00 a.m.

RULES & REGULATIONS: Monday, February 4<sup>th</sup> at 10:00 a.m.

Joint R&R/PP: Monday, February 4<sup>th</sup> at 12:00 p.m.

PROFESSIONAL PRACTICES: Monday, February 4<sup>th</sup> at 1:00 p.m.  
FINANCE: Monday, February 4<sup>th</sup> at 3:00 p.m.  
EXTERNAL RELATIONS: Monday, February 4<sup>th</sup> at 4:00 p.m.

LAW ENFORCEMENT: Wednesday, February 6<sup>th</sup> at 9:00 a.m.

EXAMINATIONS & QUALIFICATIONS: Friday, February 22<sup>nd</sup> at 9:00 a.m.  
(by teleconference)