



Oregon

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

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Minutes of Meeting

July 8, 2008

CALL TO ORDER

President Laszlo called the meeting to order at 9:00 a.m. in the conference room of the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) office at 670 Hawthorne Avenue, SE Suite 220, Salem, Oregon 97301.

Members Present:

Susanna Laszlo
Edward Butts
Grant Davis
Ken Hoffine
Mari Kramer
Dan Linscheid
Susan Newstetter
John Seward
Carl Tappert
Amin Wahab

Visitors Present:

Chris Huntington, Building Codes Division
Patrick Allen, Building Codes Division
Gary Anderson, PLS, Professional Land Surveyors of Oregon Liaison
Alan T. Davis
Michael Hardy, PE
Bernie Sutton
Ed Wallace, United Fire
Jim Schwager, PE, Portland Fire & Rescue
Don Pamplin, National Fire Sprinkler Association, Inc.
Ron Singh, PLS, Oregon Department of Transportation

Others Present:

Mari Lopez, OSBEELS Executive Secretary
Jennifer Gilbert, OSBEELS Executive Assistant
Joanna Tucker-Davis, Assistant Attorney General
Allen McCartt, OSBEELS Investigator
James R. (JR) Wilkinson, OSBEELS Investigator

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

It was moved and seconded (Linscheid/Wahab) to approve the minutes of the May 13, 2008 Board Meeting. The motion passed unanimously.

PUBLIC INPUT

President Laszlo welcomed the guests and requested brief self-introductions. Alan Davis introduced himself and stated that he was in attendance to discuss a decision made by the Examinations and Qualifications (E&Q) Committee regarding the status of his registration. Ms. Kramer noted that this matter is contained in the E&Q portion of the agenda.

Gary Anderson, PLS, introduced himself as a representative from the Professional Land Surveyors of Oregon (PLSO) and informed the Board that PLSO has been accepted as an applicant for one of the Oregon 150 projects for the upcoming year. This project is associated with the Willamette Stone Heritage site. He informed the members that the next PLSO Annual Conference has been set for January 28 – 30, 2009 and will be held at the Red Lion Inn in Jantzen Beach. Finally, Mr. Anderson stated that a new monument was dedicated to the land surveying profession created by the Tualatin Historical Society in the city of Tualatin, along the Willamette meridian, north of the Meridian Hospital.

NEW BUSINESS, Item A. Practice of Fire Protection

Due to the number of individuals in attendance for the discussion of fire protection, President Laszlo asked the Board if it would be their pleasure to rearrange the agenda to accommodate those individuals. It was moved and seconded (Linscheid/Seward) to rearrange the agenda and hold the discussion of fire protection. The motion passed unanimously. President Laszlo noted that Mr. Huntington was in attendance at the Oregon State University (OSU) for the May Board meeting and first presented the Oregon Administrative Rule (OAR) 918-261-0015.

Chris Huntington, Acting Manager, Policy and Technical Services for the Building Codes Division (BCD) stated that the rule presented is the same rule as presented during the May Board meeting. This rule included the definition of fire protection systems as contained in the national electric code as amended by the State of Oregon. He stated that Ms. Lopez provided the Assistant Attorney General (AAG) memorandum regarding the authority of supervising electricians for electrical design and that information was taken into consideration. President Laszlo noted that the Elevator and Electrical Board were adamant that this was something they were not comfortable with and inquired if the BCD had responded. Mr. Huntington replied that they are currently working with those individuals who expressed reservations. The method in which it had been scoped was the major source of concern since a “non-complex” system is an undefined term. Pat Allen, Deputy Administrator for the BCD informed the Board that industry

has asked the BCD to review their rulemaking authority in the Oregon Revised Statute (ORS) 479.860 as it relates to supervising electricians and fire protection systems. ORS 479.860 allows the BCD to exempt electrical licensees from the engineering laws. He further noted the opportunities available for comment include the next Elevator and Electrical Board meeting in September and by submitting written comments as well. It is anticipated that rulemaking will begin in October after additional consultation with the Elevator and Electrical Board.

Mr. Butts shared his comments submitted to the Board in correspondence dated June 4, 2008. Mr. Butts stated that his comments are based on his background working with general technicians. He has found these individuals to have little knowledge on non-complex systems but further stated that he is happy to hear BCD will be working towards amendments on the wording in the draft rule. Personally speaking, Mr. Butts felt strongly about the matter due to the life safety issue at hand.

Don Pamplin, Regional Manager for the National Fire Protection Association, Inc. (NFSA), also addressed the Board on behalf of members of the national trade association, specifically members involved in the business of fire sprinkler systems. He noted that the membership includes professional engineers, certified National Institute of Certified Engineering Technicians (NICET), and licensed sprinkler installation companies. Mr. Pamplin summarized what has happened across the United States related to a variety of similar issues and presented the third position paper published on June 6, 2008. He noted that this position paper was endorsed by the National Society of Professional Engineers (NSPE) and the NICET. It was the hopes of Mr. Pamplin that the Board promulgate rules to identify the roles and tasks of individuals as contained in the position paper.

After discussion, the Board adopted an official position in opposition and determined to submit comments fully rejecting the adoption of the proposed draft rule to the Elevator and Electrical Board meeting that will be held in July. Ms. Lopez will submit the letter to the BCD on behalf of the Board including the submitted comments by Mr. Butts.

Michael Hardy, PE, stated that the NSPE Annual Convention will take place in Portland this year on July 24 – 27, 2008. On behalf of the Korean Society of Professional Engineering, the Korean counterpart to NSPE, he is requesting a social meeting with members of the Board. He confirmed that the meeting would be informal and no work would take place. Similar to the social gathering a few years ago with the Japan Society of Professional Engineers, he requested the names of members that may be available. President Laszlo and Mr. Butts may be available for the social event.

EXECUTIVE SECRETARY'S REPORT

Committee Activities

Ms. Lopez reported that the E&Q, External Relations (ERC), Finance, Law Enforcement (LEC), Professional Practices (PPC), and Rules and Regulations (R&R) Committees each met during the month of June. The committee minutes were included in the packets.

Administrative Activities

April 2008 Oregon Specific Examinations/ELSEES

Ms. Lopez briefly stated that the Fundamentals of Engineering (FE), Fundamentals of Land Surveying (FLS), professional engineering (PE), professional land surveying (PLS), and Water Right Examination (WRE) examination scores have been sent. She noted that the staff is currently reviewing applications and preparing for the October 2008 examinations.

Registration

Ms. Lopez reported that staff mailed reminders during the first week of May for the June biennial renewal schedule. She also reminded that members that pursuant to the OAR 820-010-0305, a late penalty fee of \$80.00 per registration were assessed for renewals not received by 5:00 p.m., on June 30th.

NCEES 87th Annual Meeting

Ms. Lopez reported that the delegates to attend the 2008 National Council of Examiners for Engineering and Surveying (NCEES) conference in Minneapolis, MN are Sue Laszlo, Dan Linscheid, and Amin Wahab. The OSBEELS staff attending will be Shantelle Meyer, Information Coordinator and Amelia Volker, Accounts Specialist.

The OSBEELS' 2009 Legislative Concepts

Ms. Lopez directed the attention of the members to emails dated Thursday, May 15, 2008 and Friday, June 13, 2008 regarding the legislative concepts introduced by the Board for the 2009 session. The term "photogrammetry" versus the term "photogrammetric mapping" was discussed. It appears that the term "photogrammetric mapping" may be restrictive compared to the term "photogrammetry." Mr. Linscheid will provide contact information for Jim Plasker from the American Society of Photogrammetry and Remote Sensing (ASPRS) to Ms. Lopez so she may request additional information regarding the scope of practice for a photogrammetrist to assist the Board.

Ms. Lopez also reported that legislative counsel staff is looking at the professional terms of engineers and land surveyors as they are contained the rest of the statute series. Some of the titles may be eliminated if they do not exist elsewhere. Ms. Lopez informed the members that she explained her concerns; however, the draft has yet to be completed by legislative counsel staff. She also informed the members of additional language that will be included to the proposed legislative concept regarding the deletion of the minimum age of retirement. The language included allows for additional authority of the Board regarding fees charged by the Board.

President Laszlo reminded the members of the process to request revisions to drafts prepared by legislative counsel staff. She restated the importance of timeliness and requested the members to remain aware of correspondence related to the legislative concepts introduced by the Board for the 2009 session. There was no further discussion.

OSBEELS' Employee Handbook

Ms. Lopez directed the attention of the members to her email dated Wednesday, June 25, 2008. Ms. Kramer recommended eliminating "the" before OSBEELS. Mr. Linscheid requested to add

photogrammetry to the mission of the Board in section 1.2 and to consider employees who retire under section 3.7. Mr. Wahab inquired to the policies referenced within the Employee Handbook. Ms. Lopez noted that upon approval, the complimenting policies will be forwarded to the Board members for review. Essentially, the Employee Handbook contains the basic guidelines related to employment by OSBEELS, whereas the policies are continually updated as necessary and in relation to statewide policies. It was moved and seconded (Linscheid/Davis) to adopt the OSBEELS' Employee Handbook as discussed. The motion passed unanimously.

Standard Insurance Training

Ms. Lopez briefly reported that she attended a benefits training on May 21, 2008 with Ms. Gilbert. The training was offered by the Public Employees Benefit Board (PEBB) and the Standard Insurance Company to State of Oregon Human Resources, Payroll and Benefit Officers. She noted that it was good refresher course.

Safer Driver Program by National Traffic Safety Institute (NTSI)

Ms. Lopez reported that the majority of staff is scheduled to attend a defensive driving safety class given by the Department of Administrative Services (DAS). Ms. Lopez, Ms. Gilbert, and Mr. Wilkinson will attend on July 10, 2008; Ms. Olson, Mr. Bryan, and Ms. Carmack will attend on July 24, 2008. She noted that this class is offered to State of Oregon employees who operate state-owned vehicles. Due to possible risks and insurance matters, the Board has determined that staff utilize motor pool cars through DAS.

Semi-independent Board Administrators (SIBA) Meeting

Ms. Lopez stated that OSBEELS is scheduled to host a SIBA meeting on Tuesday, July 15, 2008. Currently, the two agenda items for discussion are Audits vs. Reviews and DAS Risk fees for the 2009-11 biennium. Representatives from the Secretary of State Audits Division, Mary Wenger & V. Dale Bond, along with Pat Carrothers, DAS State Services Division will be present to facilitate the discussions.

Legislative Fiscal Office

Ms. Lopez reported that legislative analysts Dawn Farr and Erica Kleiner are scheduled to meet with herself and Ms. Gilbert on August 5, 2008 regarding the biennial reports submitted to the Legislative Fiscal Office by January 1st of every even-numbered year. These reports are required from Semi-independent Agencies and submitted pursuant to the Oregon Revised Statute (ORS) 182.472. She also stated that the purpose of the meeting is to receive specific feedback on the content of the last report and discuss how future information can be presented in a way to assist the understanding and meaning for the readers at the Legislative Fiscal Office. Meetings have been scheduled with all Semi-independent Board Administrators to hopefully standardize the report submissions.

Board Vacancies

Ms. Lopez welcomed Ken Hoffine, P.E., P.L.S., C.W.R.E. She stated that Mr. Hoffine was appointed to fill the vacancy of Ron Stuntzner, P.E., P.L.S., C.W.R.E. However, the Governor's office has yet to fill the position that was vacated by George Gross, PE in 2007. This remaining vacancy must be filled by a professional registrant from Congressional District 3.

Staffing

Ms. Lopez informed the members that an individual was hired to fulfill one of the investigator positions. Allen McCartt began work on July 1, 2008. The announcement for one additional full-time Investigator position will remain available on the Board's Web Site.

In addition, she announced that Amelia Volker, the Accounts Specialist is expecting! The baby's due date is January 16, 2009.

PRESIDENT'S REPORT

President Laszlo also welcomed Mr. Hoffine to the Board. She updated the Board on the travel events to the 2008 Central/Western Zone in Bismarck, North Dakota. Since flights were cancelled due to probable mechanical errors with the airplane, she was unable to attend the meeting with delegate Mr. Linscheid. Alternate flights would have them arriving at the conclusion of the meeting.

President Laszlo announced that Mr. Butts will be representing Oregon on the NCEES Ad Hoc Resolution Committee regarding the B+30. This Committee has been tasked with developing a Western Zone Resolution requesting to suspend further development of the B+30 educational requirements during the upcoming annual meeting. Mr. Butts stated that he has not yet received additional information regarding the matter. During a previous meeting, President Laszlo noted that a brief discussion was held on how the delegates should represent the Board at the 2008 NCEES Annual Meeting. After discussion, it was moved and seconded (Butts/Davis) to hold a special Board meeting for the purpose of discussing the Board's position on matters that will be voted upon during the 2008 NCEES Annual Meeting. The motion passed unanimously. This special Board meeting will be held along with the August committee meetings.

President Laszlo noted that the new committee assignments were issued. She informed Mr. Hoffine, as a new member to the Board, it is recommended to attend each committee meeting to gain a general idea of the purpose and discussions held by each committee. The committee assignments are effective immediately.

EXAMINATIONS AND QUALIFICATIONS COMMITTEE

Ms. Kramer reported that the Examinations and Qualifications Committee met on June 4, 2008, to discuss the following matters:

Delinquency Fee Waiver Request

Ms. Kramer stated that the Committee denied a request to waive the \$80.00 delinquent fee assessed for a late payment of a 2006 registration renewal. Shane Terwilliger submitted the request due to an address change he believed was submitted in November 2002 but was not reflected in the OSBEELS database. Ms. Kramer noted that the information could not be verified due to the retention schedule in OAR 820-010-0600 and further based the decision pursuant to the fees in OAR 820-010-0305.

Return to Active Status Request

Ms. Kramer briefly summarized the decision of the Committee to deny a request from Alan Davis to renew his registration as a professional engineer. Present to discuss his circumstance, Mr. Davis informed the members of information received from the Board office. He stated that in a previous conversation with an employee, he was informed that he could renew his delinquent registration at any time, in addition to submitting payment for the appropriate fees. Only recently, did he become aware of the 5-year timeframe contained in ORS 672.170(4). After discussion, the Board upheld the decision of the Committee and further reiterated to Mr. Davis, that he may apply for registration based on licensure in another jurisdiction (comity) or by examination.

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

Ms. Kramer briefly reported that the Committee clarified OAR 820-010-0400 for staff. It was determined that an individual may submit an application for a certificate of registration by comity and an application for registration by prior practice for the geotechnical discipline for consideration during the same Board meeting.

OAR 820-010-0417 – Nature of Examination for Structural Engineer (SE)

Ms. Kramer briefly reported that the Committee clarified OAR 820-010-0417 for staff. An individual who wishes to sit for the structural examination in the State of Oregon must hold a certificate of registration to practice engineering issued by OSBEELS prior to being allowed entrance to the structural examinations. Ms. Lopez also stated that an article has been included in the Summer 2008 Oregon Examiner to further advertise the requirements.

Take-Home Examination

As a result of the discussion held by the Committee, Ms. Kramer stated that she will provide a draft revision of the take-home examination for additional discussion during the August meeting.

Comity Applications

Ms. Kramer reported that the Committee clarified the fee for individuals who submit an application for a certificate of registration by comity requesting two disciplines. The Committee determined that the individual should be assessed one application fee, one renewal fee, and two wall certificate fees.

Continuing Professional Development Audit Procedure

As a result of the discussion held during the May 13, 2008 Board meeting, the Continuing Professional Development Audit Procedures was revised to reflect that staff will conduct the initial review of information submitted. The procedures were also revised to include the process of completing military affidavits for registrants who do not respond to the second notice and the process for mailing notifications. While on the subject, the members also took the opportunity to discuss the Continuing Professional Development Hour Organizational form. It was noted that the reference to the form in Section 3 and 6 of the procedures should be consistent with the actual title of the form. It was moved and seconded (Kramer/Tappert) to approve both the Continuing Professional Development Audit Procedures and the Continuing Professional Development Hour Organizational form as amended. The motion passed unanimously.

Conditions for Proctoring

Ms. Kramer summarized the discussion held by the Committee regarding proctoring of Oregon Specific examinations outside the State of Oregon. Although this process is not contained in the OAR, the Board has extended this courtesy to individuals for numerous reasons. However, with the examinations now administered through the Engineering and Land Surveying Examination Services (ELSSES) instead of the Board staff, the process to extend the courtesy of proctoring Oregon Specific examinations outside the State of Oregon is being revisited. Concerns were expressed regarding the liability of examinations and the cooperation of other state boards in the event of examination subversion and subsequent investigation. Ms. Kramer noted that the NCEES examinations are administered through the ELSSES, and the same concerns do not apply. After discussion, it was moved and seconded (Kramer/Butts) to discontinue extending the courtesy of proctoring Oregon Specific examinations outside the State of Oregon. The motion passed unanimously. This information will be referred to the R&R Committee to draft a rule for consideration.

Incomplete Applications

Ms. Kramer stated that the Committee reviewed an opinion from AAG Joanna Tucker-Davis regarding applicants who submit incomplete applications. An application missing a reference or an experience record is considered an incomplete application. Ms. Lopez briefly noted the reasons why the Registration Department initially brought the matter to the Committee's attention, including the process of reviewing applications and the lacking documentation. An additional processing fee was considered but it was determined to increase processes. It was also noted that the R&R Committee is in the process of revising the rules for licensure and examination. Therefore, the R&R Committee will draft proposed language during its August meeting to clarify documentation required to be submitted with an application for further discussion by the Board during the September meeting.

Informational

Ms. Kramer noted that the Committee received information from staff regarding the future changes to the NCEES Electrical and Computer PE examination, along with comments about the exempt status. There was no further discussion.

Mission and Goals of the Committee

Ms. Kramer stated that the Committee reviewed and discussed the Mission, Function, and Goals. President Laszlo recommended revising the numbers of member to state that the Committee consists of "a Chair and up to four (4) Board members." Ms. Kramer also noted that the Committee goals should include language to make recommendations to the R&R Committee. President Laszlo directed staff to compile the Mission, Functions, and Goals of each committee for review during the September meeting.

Review of Applications

Comity Applications

Ms. Kramer reported that the Committee reviewed the following applications for registration by comity:

William C. Breneman – the Committee recommended Mr. Breneman’s professional engineer application for approval by the Board. Mr. Breneman successfully completed the West Virginia State specific professional engineering examination in 1973. Based on the documentation provided, the Committee determined substantial equivalency with the examination given to the NCEES 8-hour PE examination accepted by the Board in 1973.

Scott L. Buecker – the Committee recommended Mr. Buecker’s professional engineer application for approval by the Board. Mr. Buecker does not hold a bachelor’s degree from an Accreditation Board for Engineering and Technology (ABET) accredited engineering program, and his master’s degree does not have an ABET accredited undergraduate program. However, after a review of the documentation submitted, the Committee determined that he did qualify for registration pursuant to ORS 672.148.

George N. Pavlakis – the Committee recommended Mr. Pavlakis’ professional engineer application for approval by the Board. Mr. Pavlakis successfully completed the Illinois State specific FE examination and the Illinois State specific PE examination in 1979. Based on the documentation provided, the Committee determined substantial equivalency with the FE and PE examinations given to the examinations accepted by the Board in 1979.

Harold J. Taback – the Committee did not recommend Mr. Taback’s professional engineer application for approval by the Board. Unfortunately, the State of California waived the FE examination due to Mr. Taback’s years of experience gained which is not compliant with ORS 672.102. The Committee informed Mr. Taback that he must successfully pass the FE examination if he wishes to hold an Oregon certificate of registration as a professional engineer.

Vijayaraghavan Veeraraghavan – the Committee recommended Mr. Veeraraghavan’s professional engineer application for approval by the Board. Mr. Veeraraghavan submitted a course-by-course evaluation of his bachelor’s degree from the American Association of Collegiate Registrars and Admissions Officers (AACRAO) with no equivalency to a specific program; only a general engineering degree. However, after reviewing the documentation submitted, the Committee determined that Mr. Veeraraghavan qualified for registration pursuant to OAR 820-010-0227.

Examination Applications

Ms. Kramer reported that the Committee reviewed the following applications for examinations:

Seoung Hoon Gwon – the Committee determined that Mr. Gwon must submit an additional two years of qualifying work experience for admission to the FE examination pursuant to OAR 820-010-0227(4). Although a course-by-course evaluation was submitted, the information did not comply with OAR 820-010-0225(3)(d).

Min Chul Jang – the Committee determined that Mr. Jang qualifies for the October 2008 Civil PE examination. Although Mr. Jang was unable to provide a registered professional engineer who supervised his work to verify experience gained, pursuant to OAR 820-010-0255 and based on the documentation provided, the Committee approved his application.

Manzar Khoshnevisan – the Committee determined that Ms. Khoshnevisan qualifies for the October 2008 Civil PE examination. Similar to Mr. Jang, she was unable to provide a registered professional engineer who supervised a portion of her work to verify experience gained. Pursuant to OAR 820-010-0255 and based on the documentation provided, the Committee approved her application.

Matthew Mabey – the Committee determined that Mr. Mabey qualifies for the October 2008 Civil PE examination. Ms. Kramer noted that he previously appeared before the Committee to explain his circumstance. In addition, Mr. Mabey provided a written explanation and request to reduce the number of references. After a review of the documentation submitted and pursuant to OAR 820-010-0255, the Committee approved his application.

E. George Robison – the Committee determined that Mr. Robison qualifies for the October 2008 FE examination. Although documentation submitted demonstrated completion of a non-ABET accredited undergraduate program in addition to a graduate program that does not have an ABET accredited undergraduate program, the Committee approved Mr. Robison's application pursuant to OAR 820-010-0225.

Ms. Kramer informed the members that the Committee reviewed applications from 9 individuals who submitted course-by-course evaluations. Unfortunately, the documentation submitted did not recognize the bachelor degrees awarded as equivalent to bachelor degrees recognized by the ABET. Therefore, Ms. Kramer reported that the Committee informed the 9 individuals that an additional four years of qualifying work experience would be required for entrance to the FE examination pursuant to OAR 820-010-0227(4).

Ms. Kramer also informed the members that the Committee reviewed 2 applications from individuals who submitted course-by-course evaluations for degrees awarded not in the engineering field. Unfortunately, the documentation submitted did not recognize the degrees awarded as equivalent to degrees recognized by the ABET. Therefore, Ms. Kramer reported that the Committee informed both individuals that an additional eight years of qualifying work experience would be required for entrance to the FE examination pursuant to OAR 820-010-0227(6).

Re-Applications

Ms. Kramer reported that the Committee reviewed 4 applications from individuals who did not achieve a passing grade in their first and second written examinations pursuant to OAR 820-010-0465. All reapplications reviewed were approved for admittance to the October 2008 examination administration.

Licensure

Comity Applications – Ms. Kramer directed the members' attention to the revised list of 83 applicants for licensure by Comity. It was moved and seconded (Kramer/Tappert) to approve the revised list of 83 applicants as presented. The motion passed unanimously.

First Licensure Applications – Ms. Kramer directed the members' attention to the 2 applicants seeking registration based on examination in another jurisdiction or by NCEES. It was moved

and seconded (Kramer/ Davis) to approve the 2 applicants as presented. The motion passed unanimously.

Applications by Prior Practice – Ms. Kramer directed the members’ attention to the 2 applicants seeking Geotechnical registration by prior practice. It was moved and seconded (Kramer/Seward) to approve the 2 applicants as presented. The motion passed unanimously.

Professional Land Surveyor Comity Applications – Ms. Kramer directed the attention of the Board to the list of 11 applicants for registration as a professional land surveyor by comity. It was moved and seconded (Kramer/Butts) to approve the list of 11 applicants. The motion passed unanimously.

EXTERNAL RELATIONS COMMITTEE

Ms. Kramer reported that the External Relations Committee met on June 4, 2008, to discuss the following matters:

Confidentiality of Information

Ms. Kramer reported that the Committee reviewed advice dated May 19, 2008 from AAG Tucker-Davis regarding the confidentiality of information located on the OSBEELS Web site. The Committee determined to revise the information contained in the “Find A Licensee” link and include only the registrant’s name, registration number(s), certification number(s), city, state, country, registration type(s)/discipline(s), registration(s) expiration date, and the status of registration(s) and/or certification(s).

Oregon Examiner

Ms. Kramer reported that the Committee reviewed draft articles for inclusion in the Summer 2008 *Oregon Examiner* newsletter. Articles included, *Appointments by Governor Kulongoski, Keep Your Registration(s) and Information Current, Public Hearing for the OSBEELS Rule Changes, Obligations Not to Engage in Unprofessional Behavior, Future Changes to the NCEES Electrical and Computer PE Examination, Fire Protection Engineers Assist High School Teachers While Promoting Profession, and Ready to Retire Your Registration(s)*. Further review of the *Advertisement of Professional Services* article will be discussed during the August meeting for inclusion in the Fall 2008 edition.

Web site

Ms. Kramer briefly stated that staff is continuing to work on the development and migration to the new site. Further review will take place during the August meeting.

Outreach

Ms. Kramer informed the members that information was received regarding the NCEES Engineering Award for Connective Professional Practice and Education. This information was shared with the Oregon State University (OSU) for consideration. Ms. Kramer noted that the Committee felt the MECOP/CECOP program at OSU may be a contender for the award. During the communications related to the award, OSU requested information from the Board regarding examination statistics. Since the information is received from NCEES directly, staff will work

with AAG Tucker-Davis regarding compliance with the Public Records Law and the information contained in the reports requested.

SFPE Speaker's Kit

Ms. Kramer noted that the Board now has a speaker's kit for the profession of fire protection engineering. This kit was developed by the Society of Fire Protection Engineers (SFPE) for use by high school teachers. However, Ms. Kramer stated that the Committee suggested staff to contact the Professional Engineers of Oregon (PEO) and SFPE, Cascade Chapter for interest in promoting the profession.

FINANCIAL REPORT

Mr. Tappert reported that the Finance Committee met on June 4, 2008, to discuss the following matters:

Guest Discussion

Mr. Tappert reported that Michelle Pecora, CPA, P.C. and Sandy Childress, CPA were present to assist the Committee in determining the appropriate accounting software for the Board. In addition, Ms. Pecora provided further information comparing the different QuickBooks products and her recommendations and suggestions for controls. After discussion, it was moved and seconded (Butts/Tappert) to approve upgrading the Board's accounting program to the QuickBooks Pro 2008 edition. The motion passed unanimously. To supplement the decision made, staff will submit extra documentation to the audit file accordingly.

Goals of the Committee

Mr. Tappert reported that the members further defined the Goals of the Committee to include; *redefining the Chart of Accounts, upgrading the accounting software, developing methods to track budgetary items, developing financial reports suitable for Board finances, and developing the 2009 – 2011 budget for approval during the March Board meeting.* As mentioned earlier during the meeting, the Missions, Goals, and Functions of each committee will be compiled for further discussion during the September meeting.

Travel Policy

Mr. Tappert noted that further discussion regarding the Travel Policy for Board members will be discussed during the August meeting. Additional research and consultation with the State of Oregon Risk Management staff is currently being conducted.

Gift and Reimbursement Policy

Mr. Tappert reported that the Committee discussed possible methods to continue the tradition of giving a gift to departing Board members. It was determined that the Chair of the Finance Committee would be responsible for collecting the funds and purchasing the gifts. A draft policy will be reviewed during the August meeting.

Additionally, Mr. Tappert noted that the current financial information was provided for review. There were no further comments.

LAW ENFORCEMENT COMMITTEE

Ms. Lopez introduced new staff member, Allen McCartt, Investigator. Mr. McCartt joined the OSBEELS staff on July 1, 2008. Welcome Allen!

Mr. Linscheid reported that the Law Enforcement Committee met on June 3, 2008, to discuss the following matters:

Informal Conference

2488 – *Bernard A. Sutton*

Ms. Newstetter declared a conflict of interest and excused herself from the discussion. Mr. Linscheid noted that the Committee met with Bernard Sutton, PLS, in an informal conference on June 3, 2008, to discuss a Notice of Intent to Revoke Registration and to Assess a Civil Penalty of \$13,000. During the meeting, Mr. Sutton agreed that the thirteen violations in the Notice of Intent were accurate due to his failure to submit records of survey for timely filing to the County Surveyor violating ORS 209.250. However, Mr. Linscheid further noted that the Committee was unable to reach a settlement agreement with Sutton and deferred the discussion to the meeting of the Board.

Mr. Linscheid reported that a letter was sent to Mr. Sutton that outlined the expectations of the Committee as discussed during the June 3, 2008 meeting. Mr. Sutton signed and returned the letter to the Board on June 17, 2008. As discussed, Mr. Linscheid further reported that Mr. Sutton volunteered let his license become delinquent on June 30, 2008, agreed to attend the July Board meeting, and provide a list of all pending jobs with job numbers as of June 3, 2008. As outlined in the letter, Mr. Sutton was also to provide copies of letters to clients informing them that he will not be practicing land surveying after July 1, 2008. Finally, he was to provide proof that he has closed all pending jobs prior to July 1, 2008.

Mr. Sutton then distributed two letters. The first was an unsigned letter from David E. Scott, PLS, stating that he would be in responsible charge for projects under contract with Agape Land Survey Company, which is owned by Mr. Sutton. In the second letter, Mr. Sutton listed by job number his continuing projects.

The Board reviewed the two letters submitted and noted that Mr. Sutton identified the unresolved projects that included four records of survey (one record of survey concerns two adjoining projects), one post-monumentation affidavit, two partition plats, two subdivision plats, one property line adjustment, and one topographic survey. The Board also observed that Mr. Sutton had identified three projects to be completed under Mr. Scott's supervision and control.

Mr. Sutton stated that he submitted blue lines prior to June 30, 2008 for the four records of survey, and was notified they were reviewed and ready for final Mylar. The Board discussed with Mr. Sutton that he could not modify then seal the records of survey because he was no longer registered as a professional land surveyor. ORS 672.005(2)(h) prohibits "*collecting, preparing, manipulating or modifying data *** other than acting as a scrivener.*" Therefore, Mr. Sutton could act "as a scrivener" for the revisions, but could not seal the records of survey. Mr. Sutton responded that it was his understanding from the County Surveyors that he could

make the modifications and seal the records of survey based on the date of monumentation since the work occurred prior to the expiration date of his registration. However, Mr. Linscheid firmly stated that the interpretation is incorrect because making the revisions, affixing and signing his seal to a Mylar, and submitting the records of survey for filing would occur after his registration had expired. These acts constitute the practice of land surveying.

The Board also noted that Mr. Sutton appeared to meet the expectation of the Committee with his list of unfinished jobs, but did not meet the expectation to provide copies of letters to clients informing them that he will not be practicing land surveying after July 1, 2008. Additionally, Mr. Sutton did not provide proof that he closed all pending jobs prior to July 1, 2008. As a result, the Board discussed next steps.

Discussion was held regarding various options, and it was moved and seconded (Davis/Hoffine) to defer a specific settlement agreement with Mr. Sutton until the August Law Enforcement Committee meeting. The motion passed unanimously. This option would allow Mr. Sutton to finish closing projects or to transfer his remaining professional responsibilities to Mr. Scott. Upon reaching a settlement agreement, the document would be presented during the September Board meeting.

Cases Reviewed

2406: Donald A. Rondema / Jim Wilkins

Mr. Linscheid reported on the presentation by Tim Blackwood, PE, CEG, regarding case #2406. It was alleged that Mr. Rondema failed to follow the Rules of Professional Conduct, or exercise a standard of care, in designing a retaining wall that was subsequently involved in a landslide in Astoria, Oregon. The presentation included the factors that contributed to the land slide and the efforts of the contractor, land owner, and Mr. Rondema. Mr. Linscheid noted that a case summary will be prepared for the August meeting.

Additionally, the Committee reviewed an AAG memorandum dated September 8, 2005, regarding the definitions of negligence, gross negligence, and incompetence. The Committee reviewed the definitions as it may apply to case 2406.

2431 – Maud de Bel / Ace Consultants, Inc.

Mr. Linscheid reported that the preliminary investigation by staff showed that Maud de Bel had used the title of Senior Process Engineer to sign a November 2003 report regarding a possible energy conservation project at the City of Prineville waste water treatment facility. However, the investigation will continue since the requested evidence had not yet been provided. Mr. Linscheid noted that a case summary should be prepared for the August meeting.

2436 – Seth M. Light / K.B. Boutwell

Mr. Linscheid reported that the Committee recommends closing case number 2436. Seth Light, PE, had engineered a manufactured home foundation for K.B. Boutwell that later was found to be too large. The Committee discussed communication issues between the engineer and the complainant. The Committee found that the mistake Mr. Light made was due to miscommunication between the parties and did not rise to a level of negligence or incompetence.

It was moved and seconded (Linscheid/Butts) to close the case as allegations unfounded. The motion passed unanimously.

2453 – Marcela Alcantar / Elizabeth Moorhead

Mr. Linscheid reported that the investigation has revealed that the original allegations regarding Marcela Alcantar misrepresenting herself as a professional engineer in two news articles were unfounded. However in the course of the investigation, new evidence showed that Ms. Alcantar submitted applications to the Oregon Office of Minority, Women, and Emerging Small Business with potential misrepresentations that need additional investigation. Further discussion will be held during the August meeting.

2464 – Gordon Snyder / OSBEELS

Mr. Linscheid reported that additional documentation requested from the City of Springfield regarding Gordon Snyder as “RF Engineer” has been archived by the City of Springfield and are inaccessible until retrieved. Since arrangements to access the additional documentation is pending, further discussion may be held during the August meeting.

2466 – Christopher Lidstone / OSBEELS

Mr. Linscheid reported that this is a concurrent investigation between the OSBEELS and the Oregon State Board of Geologist Examiners (OSBGE). Mr. Lidstone is a Colorado consultant who prepared an evaluation of a permit application in Jackson County to extract aggregate material. It was further noted that the OSBGE reported to be near completion of their investigation. Therefore, in support of the concurrent investigation, Mr. Wilkinson will contact the OSBGE for their results of the investigation. Further discussion will be held during the August meeting.

2474 – Darryl J. Anderson / Suzan & Clyde Burch

Mr. Linscheid reported that Mr. Wilkinson conducted a site visit with the complainants, the respondent, and the Deschutes Deputy County Surveyor to review their complaint and field findings. Mr. Anderson denied the claim made by Suzan and Clyde Burch that he entered their Christmas Valley property and set boundary monumentation without permission. The Committee will review a case summary during the August meeting.

2490 – Robert M. Butler / OSBEELS

Mr. Linscheid reported that the Committee recommends closing case number 2490. The complaint involved Mr. Butler’s use of the PE designation on a business card distributed during a private meeting. Mr. Butler is not registered with the Board, however, the evidence lacked sufficient information to support a regulatory violation and a Notice of Intent. It was moved and seconded (Linscheid/Davis) to close the case as insufficient evidence. The motion passed unanimously.

2491 – Mark S. Childs / OSBEELS

Mr. Linscheid reported that the Committee recommends closing case number 2491. The complaint involved Mr. Childs’ use of the PE designation on a business card distributed during a private meeting. Mr. Childs is not registered with the Board, however, the evidence lacked sufficient information to support a regulatory violation and a Notice of Intent. It was moved and

seconded (Linscheid/Butts) to close the case as insufficient evidence. The motion passed unanimously.

New Business

Linscheid April 25 email

Mr. Linscheid reported that he submitted a link to a Web Site for evaluation regarding mortgage surveys. A Vancouver, WA, firm offered mortgage companies “proof that the major improvements on the property are free of encroachments.” The Committee noted that a professional land surveyor would need to first establish a line between boundary monuments in order to make that representation. The Web Site does not indicate whether the firm employs an Oregon registrant. The Committee directed staff to open a law enforcement case.

Butts April 29 email

Mr. Linscheid reported that Committee member Ed Butts submitted an unsolicited email that offered engineering services, but the firm is located in India. He stated that the Committee observed that ORS 672.020(1) states “no person shall practice or offer to practice engineering in this state unless the person is registered and has a valid certificate to practice engineering issued under ORS 672.002 to 672.325.” However, the Committee acknowledged the difficulty of sanctioning people overseas for the unlawful offering of professional services. Mr. Linscheid stated that no further action was taken.

Butts May 5 email

Mr. Linscheid reported that Committee member Ed Butts had received two inquiries regarding a firm in an EPA/Oregon Health Division program. The inquiries allege that the firm may be soliciting engineering projects in violation of the contract. The Committee observed that the firm may be in violation of the Rules of Professional Conduct related to conflicts of interest. The Committee determined that a law enforcement case may need to be opened.

OAR 820-010-0720

Mr. Linscheid reported that a discussion was held regarding a former employee of Committee member Ed Butts who moonlighted for a client. When the employee left his firm, the client and others followed the employee. The Committee observed that it appeared to be a violation of the Rules of Professional Conduct and of the OAR 820-010-0720 that prohibits performing services unless the firm has a “full-time partner, manager, officer, or employee.” The Committee determined to open a law enforcement case upon receipt of a formal complaint from Mr. Butts.

Continuing Professional Development Audit

Mr. Linscheid reported on the efforts of the Committee to investigate twenty-one registrants found lacking in their response to a recent audit for compliance to the continuing professional development requirements per OAR 820-010-0635 and the OAR 820-015-0026. Since each registrant has unique circumstances, including grace periods and the time frame of renewal, each case will need to be independently evaluated. Mr. Linscheid reported that the Committee directed staff to prepare memorandums for each registrant to be reviewed during the August meeting.

Mr. Linscheid further reported that a case was opened against registrant Steven Syrcle, PE, regarding his response to the audit. However, Mr. Syrcle was offered a grace period and the case was closed with the case number to be reused.

Clifford Paul memorandum

Mr. Linscheid reported that the Committee reviewed a letter submitted by Mr. Paul regarding disciplinary action against his registration by the boards of Arizona, Oklahoma, and Colorado. The original violation involved an exempt structure, which was not considered a violation in the State of Oregon. The Committee observed that Mr. Paul was forthcoming within ten months of the Colorado action and therefore, recommended no action. However, the Committee determined to forward for consideration a request to clarify “immediately” to the RRC.

Unfinished Business

2396-Nelson & 2397-Cooley

Mr. Linscheid reported on meetings conducted with the complainant Doug Spencer, PE, and respondents Catherine Nelson, PE, and Steven Cooley, PE. An additional meeting was also scheduled with a third party, Ed Fischer, PE. The informal meetings were fact-finding discussions regarding the Oregon Department of Transportation (ODOT) employees’ responses to the allegations. Mr. Linscheid noted that the Committee will review case summaries during the August meeting.

LEC Policy, Disciplinary Procedures, Expert Reviewer Policy, and Recording Policy

Mr. Linscheid reported that the Committee recommends approving the policies of the Committee. A review was completed of the Law Enforcement Policy, the Disciplinary Procedures, Professional Reviewer and Expert Witness Selection Policy, and the Policy and Procedures for Digital Recording of Telephone Conversations. It was moved and seconded (Linscheid/Butts) to approve the documents. The motion passed unanimously.

2454 – Carter Case

Mr. Linscheid reported that Carter Case failed to make the final payment regarding his settlement agreement. Mr. Case engaged in the unlicensed practice of engineering when he removed a PE seal from an engineered drawing and provided the drawing to his client. Mr. Linscheid stated that Mr. Case was referred to the Department of Revenue for additional collection efforts.

2471 – Mark Chandler

Mr. Linscheid reported that the Committee recommends closing case 2471. Mr. Chandler signed a settlement agreement that required him to submit an application by comity no later than May 31, 2008. On May 29, 2008, the Board received his application for registration as a professional engineer by comity and fee for the naval architecture and marine engineering branch. It was moved and seconded (Linscheid/Seward) to approve closing case 2471. The motion passed unanimously.

The Board briefly reviewed the Cases Subject to Collections, Cases Subject to Monitoring, and Case Status. There was no further action.

PROFESSIONAL PRACTICES COMMITTEE

Mr. Tappert reported that the Professional Practices Committee met on June 4, 2008, to discuss the following matters:

RFP No. 08-1295-PLAN

Mr. Tappert noted that the Committee reviewed an email regarding a Request for Proposal (RFP) regarding Digital Orthophotos. The initial concern was that the RFP did not require a registered professional photogrammetrist; however, further research conducted showed otherwise. No action was required from the Committee.

DEQ – Erosion and Sediment Control Plan Permit

Mr. Tappert summarized the discussion held regarding a Department of Environmental Quality (DEQ) Erosion Control Plan Permit for the 1200 c Program. He stated that correspondence is being sent to the DEQ regarding the concerns on the application form suggesting there is an equivalency between the Certified Professional in Erosion and Sediment Control (CPESC) and a professional engineer.

StreamBank 2008 Pilot Project Objectives

Mr. Tappert reported that the Committee reviewed an email and document regarding the StreamBank 2008 Pilot Project Objectives. No action was taken since it appeared to the Committee that the purpose of the project was to complete follow-up studies on restoration projects.

Request for Opinion Regarding OAR 820-010-0720

Mr. Tappert summarized the discussion held by the Committee as a result of a request for an opinion from Mr. Linscheid regarding County Surveyors. Mr. Linscheid inquired if OAR 820-010-0720 would prohibit County Surveyors from offering land surveying services to the public while employed full-time by the County and if it would prohibit a registrant from working full-time in one office while offering land surveying services to the public out of another office. Mr. Tappert stated that the Committee felt additional information was needed but noted that OAR 820-010-0720 does not necessarily prohibit a registrant from working full-time in one office while offering services to the public out of another office. Mr. Tappert also noted that the LEC discussed that certain situations may possibly open registrants to additional scrutiny of OAR 820-020-0030.

State Forests Program Position

Mr. Tappert reported that Mr. Seward submitted an email requesting the Committee to review a past job announcement for a position with the Oregon State Department of Forestry. In their review, Mr. Tappert stated that the Committee determined there were elements in the job description that would require the individual in the position to be a registrant.

Architectural Engineering

Mr. Tappert briefly summarized the discussion held by the Committee regarding Architectural Engineering. As a result of the May Board meeting, Mr. Ken Williamson, professor at the

Oregon State University (OSU), may approach the Committee for further discussion at a later date.

Electronic Drawing Files

Mr. Tappert briefly noted that the Committee received an inquiry regarding electronic copies of final drawings. To remain consistent with previous responses, he noted that the circumstance described regarding the distribution of documents is considered a business practice that the Committee could not provide comment.

Mission, Function, and Goals

As previously discussed, Mr. Tappert stated that the Mission, Function, and Goals of the PPC would be included with the documents for other committees and provided during the September Board meeting.

RULES AND REGULATIONS COMMITTEE

Mr. Davis reported that the Rules and Regulations Committee met on June 4, 2008, to discuss the following matters:

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

Mr. Davis reported that the Committee recommends approving OAR 820-010-0209 to begin the rulemaking process. He stated that the Committee revised the language as a result of a discussion held with the Water Resources Department (WRD) regarding a draft Memorandum of Understanding (MOU) to administer the program. The proposed language clarifies the application requirements for certification as a certified water right examiner. It was moved and seconded (Linscheid/Seward) to approve the rulemaking process for OAR 820-010-0209. The motion passed unanimously.

OAR 820-010-0215 – Forms of Applications

Mr. Davis reported that the Committee recommends approving OAR 820-010-0215 to begin the rulemaking process. He stated that the Committee reviewed the proposed draft rule that contained several exceptions to the documents that would not be required to be submitted as part of the single package. Mr. Davis further stated that the Committee will continue its review and discussion during the August meeting.

OAR 820-010-0235 – Information to Be Furnished by Water Right Examiner

Mr. Davis reported that the Committee recommends approving OAR 820-010-0235 to begin the rulemaking process. He stated that the Committee revised the language also as a result of a discussion held with the Water Resources Department (WRD) regarding a draft Memorandum of Understanding (MOU) to administer the program. It was moved and seconded (Davis/Linscheid) to approve the rulemaking process for OAR 820-010-0235. The motion passed unanimously.

OAR 820-010-0440 – Schedule of Examinations

Mr. Davis reported that the Committee recommends approving OAR 820-010-0440 to begin the rulemaking process. Although previously approved by the Board to be considered during the

July Rulemaking Hearing, Mr. Davis summarized the discussion held by the Committee. The proposed language outlines the examination offered and shifted the deadlines for applications to a new section in rule; OAR 820-010-0442. It was moved and seconded (Davis/Seward) to approve the rulemaking process for OAR 820-010-0440. The motion passed unanimously.

OAR 820-010-0442 – Application Deadlines

Mr. Davis reported that the Committee recommends approving the rulemaking process to adopt OAR 820-010-0442. As he stated in revising the language of OAR 820-010-0440, previous language regarding the postmark deadline for the Spring and Fall examination administration, along with the process to withdraw and forward an application was moved to OAR 820-010-0442. It was moved and seconded (Davis/Linscheid) to approve the rulemaking process to adopt OAR 820-010-0442. The motion passed unanimously.

OAR 820-010-0443 – Requests for Reasonable Accommodations for Oregon State Specific Examinations

Mr. Davis reported that the Committee recommends approving the rulemaking process to adopt OAR 820-010-0443. He briefly summarized the discussion held by the Committee to inform applicants the may require reasonable accommodations for the Oregon State Specific Examinations due to documented disabilities within the meaning of the American Disabilities Act (ADA) of 1990 or for applicants whose religious convictions prohibit testing on the scheduled examination date. It was moved and seconded (Davis/Wahab) to approve the rulemaking process to adopt OAR 820-010-0443. The motion passed unanimously.

OAR 820-010-0455 – Exemption from FE or FLS Examination

Mr. Davis reported that the Committee recommends approving OAR 820-010-0455 to begin the rulemaking process. He stated the Committee determined that subsection 1 is not necessary and the information is contained in ORS 672.002(3) and (6). Additionally, the Board does not provide wall certificates to EI's or LSI's. However, after discussion by the Board, further review will be held during a future Committee meeting.

OAR 820-010-0470 – Review of Examinations

Mr. Davis reported that the Committee recommends approving OAR 820-010-0470 to begin the rulemaking process. He stated that the proposed language clarifies the review of the Washington Structural III examination. It was moved and seconded (Davis/Kramer) to approve the rulemaking process to adopt OAR 820-010-0470. The motion passed unanimously.

OAR 820-010-0600 – Records

Mr. Davis reported that the Committee recommends approving OAR 820-010-0600 to begin the rulemaking process. He stated that the Committee revised the language also as a result of a discussion held with the Water Resources Department (WRD) regarding a draft Memorandum of Understanding (MOU) to administer the program. It was noted the rule for retention of Board records should also include the records for certified water right examiners. It was moved and seconded (Davis/Kramer) to approve the rulemaking process for OAR 820-010-0600. The motion passed unanimously.

OAR 820-020-0040 – Examination Subversion

Mr. Davis reported that the Committee recommends approving OAR 820-020-0040 to begin the rulemaking process. He summarized the discussion held by the Committee regarding consequences for an examinee that refuses to sign the compliance statement prior to an examination. It was moved and seconded (Davis/Seward) to approve the rulemaking process for OAR 820-020-0040. The motion passed unanimously.

Revision to Rules

Mr. Davis briefly summarized the process of the Committee in continuing the review and revisions to the information and documentation required from applicants for registration. The rules included for additional discussion during the August meeting are: OAR 820-010-0200, 820-010-0204, 820-010-0205, 820-010-0206, 820-010-0207, 820-010-0208, 820-010-0210, 820-010-0255, and 820-010-0305.

Mission, Functions, and Goals

Mr. Davis briefly noted that “Developing and maintaining Legislative procedures” were included to the Committee functions at the request of the ERC. The revised document will be included with the Mission, Functions, and Goals of the other committees for review during the September Board meeting.

NEW BUSINESS

It was noted that the discussion of Fire Protection was held during the Public Input portion of the meeting. Additionally, the matter of the Continuing Professional Development Hour Organizational form was handled during the Examinations and Qualifications Committee report of the meeting.

ADJOURN

The meeting was adjourned at 4:11 p.m.

NEXT MEETINGS

Next Board Meeting:
September 9, 2008

Next Committee Meetings:

EXAMINATIONS & QUALIFICATIONS: Monday, August 4th at 8:00 a.m.

PROFESSIONAL PRACTICES: Monday, August 4th at 10:00 a.m.

RULES & REGULATIONS: Monday, August 4th at 1:00 p.m.

FINANCE: Monday, August 4th at 3:00 p.m.

EXTERNAL RELATIONS: Monday, August 4th at 3:30 p.m.

LAW ENFORCEMENT: Thursday, August 7th at 10:00 a.m.

Additionally, a Special Board Meeting will also be held on Monday, August 4th at 12:00 p.m. The purpose of this meeting is to discuss the Board's position on matters that will be discussed during the 2008 NCEES Annual Meeting in Minneapolis, MN on August 13 – 16, 2008.