



Oregon

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

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Minutes of Meeting

September 9, 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:

Gary Anderson, PLS, Professional Land Surveyors of Oregon Liaison
Jim Schwager, PE, Portland Fire & Rescue
Don Pamplin, National Fire Sprinkler Association, Inc.
James Howell, J&R Fire
Eric Budke, J&R Fire
Chuck Hegele
Dee Lockwood, Lockwood Engineering
Justin Perkey, Bend Fire Protection
Gary Stutzman, City of Albany
Barrie Haanen, BDH Fire Protection
Loren Martin, Allied Fire Systems
Mike Thrapp
John Samuel, Patriot Fire
Verena Winter, HDR Engineering

Others Present:

Jenn Gilbert, OSBEELS Executive Assistant
Joanna Tucker-Davis, Assistant Attorney General

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

President Laszlo noted a few necessary revisions to pages 2 and 8 of the minutes of the regular meeting held on July 8, 2008. It was moved and seconded (Butts/Linscheid) to approve the minutes of the July 8, 2008 Board Meeting, as amended. The motion passed unanimously.

It was moved and seconded (Butts/Linscheid) to approve the minutes of the special Board meeting held on August 4, 2008. The motion passed unanimously.

PUBLIC INPUT

President Laszlo noted the number of guests in attendance and requested that they introduce themselves. Since the majority of guests were present to discuss a matter under the Professional Practices Committee (PPC) portion of the agenda, it was moved and seconded (Davis/Kramer) to rearrange the agenda and hold the discussion of fire protection.

PROFESSIONAL PRACTICES COMMITTEE: Item B. Position Statement – SFPE, NSPE, NICET - Fire Protection

Don Pamplin, Regional Manager for the National Fire Protection Association, Inc. (NFSA) distributed a revised position paper dated July 28, 2008. He stated that this is the final document with the approval of the Society of Fire Protection Engineers (SFPE), the National Society of Professional Engineers (NSPE), and the National Institute of Certified Engineering Technicians (NICET). Mr. Pamplin briefly noted the minor differences between the previous version dated June 6, 2008 and the final July 28, 2008 version. Jim Schwager, Portland Fire and Rescue, also commented on several matters. First, he believed that the Board should address statements contained in the Reference Manual for Building Officials. Mr. Schwager stated that page 16, Case B, and page 24 discuss tenant improvements and requested further clarification from the Board. Second, Mr. Schwager requested input from the Board regarding a document he distributed, *Fire Sprinkler Design Phases*. He believes this document outlines the design effort required by the design professional and can assist the review process. He also stated the intent of the document is to provide the supervision and control requirements of state law.

Acknowledging the concerns stated by PPC members during previous discussions, Mr. Schwager further noted that the document included language that the design professional is responsible for establishing the limitations and design parameters that are communicated to the technician.

Mr. Davis noted that the Oregon Board of Architect Examiners (OBAE) has reviewed the *Fire Sprinkler Design Phases* document and expressed that the OSBEELS Board should proceed in what is necessary. He stated that architects are often the lead on a design team for large buildings and estimated a majority of architects hire consultants. Mr. Davis further stated the importance of retaining a fire protection engineer at the beginning of a project to alleviate issues that may occur during the permitting process. He suggested to include publishing the document

in the Reference Manual for Building Officials to inform the practicing community and the building officials. It was further noted that the July 28, 2008 position paper approved by the NICET, NSPE, and SFPE supports the concept of the *Fire Sprinkler Design Phases* document.

A brief discussion was held regarding the Board's previous statement regarding the door hanger developed by the Professional Land Surveyors of Oregon (PLSO). President Laszlo noted several differences between the door hanger review and the current documents related to fire protection. She stated that the door hangers were developed in an effort to reach substantial compliance with the Oregon Revised Statute (ORS) 672.047, whereas the documents currently being discussed provide guidance to conduct engineering work. She stated additional concern that the documents could lead to a linear process that would become a checklist rather than relying on the experience and judgment of the engineer to determine the process.

After further discussion, it was moved and seconded (Linscheid/Seward) for the Board to issue a statement regarding the July 28, 2008 position statement. The statement would read, "the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) has adopted the position on the July 28, 2008 Position Statement, *The Engineer and the Engineering Technician Designing Fire Protection Systems*, to be in substantial compliance with the existing laws and rules." It was noted that stating substantial compliance is not an endorsement from the Board.

Request for Application Review

Verena Winter introduced herself as an engineer intern (EI) working for HDR Engineering, Inc. She is requesting to forward her application and fee to the April 2009 examination, even though she was denied entrance to the October 2008 professional engineering examination. She disagrees with the determination from the Examinations and Qualifications (E&Q) Committee made during its August meeting. Ms. Winter explained her circumstance surrounding her status as an international student and the requirements to complete her degree.

Ms. Kramer summarized the decision made by the E&Q Committee. Information submitted showed Ms. Winter received credit for experience gained at HDR Engineering, Inc. as documented on the official transcript from Portland State University (PSU). Ms. Winter stated that PSU arbitrarily issued her credit for two terms as shown on the official transcript. However, she did not receive credit for two other terms. After discussion, it was determined that the E&Q Committee would discuss the matter, along with a secondary review of the application submitted and provide a recommendation to the Board during the E&Q Committee portion of the agenda.

EXECUTIVE ASSISTANT'S REPORT

Committee Activities

Ms. Gilbert reported that the E&Q, External Relations (ERC), Finance, Law Enforcement (LEC), PPC, and Rules and Regulations (R&R) Committees each met during the month of August. She also stated that a second meeting of the E&Q Committee was held by telephone to discuss outstanding applications for the October 2008 examination administration. The committee minutes were included in the packets.

Administrative Activities

October 2008 Examination Administration

Ms. Gilbert reported that staff is currently preparing for the October examinations. The local examinations will be held at the Lane County Fairgrounds in Eugene, Oregon on October 24 – 25, 2008. She noted that of the 915 examination applications approved, 327 applicants are scheduled to take the examinations at the Lane County Fairgrounds and 588 applicants are scheduled to take the examinations outside of Oregon.

Ms. Gilbert further reported that the Board did not receive any applications for the October 2008 administration of the California Geotechnical examination. Regardless, the Board will only accept applications until October 2009 for registration as a geotechnical engineer by prior practice, as stated in the Oregon Administrative Rule (OAR) 820-010-0400(2).

The OSBEELS' 2009 Legislative Concepts

Ms. Gilbert stated that the revised drafts of the legislative concepts submitted for the 2009 Legislative Session were received. Changes were not necessary to LC 319; the concept makes certain exemptions from the practice of engineering inapplicable to registered professional engineers (ORS 672.060(10)(11)).

She reported that changes were requested, as a result of comments received from the Board members, for LC320. This concept included statutes related to the practice of photogrammetry, revises the terminology used to refer to engineers and land surveyors, and eliminates the minimum age to request retirement for registrants. She also noted that this concept included the requests to repeal statutes regarding non-residents and the provision for issuing replacement certificates.

A brief discussion was held regarding LC321. This concept relates to the request for a new statute to allow registration of individuals based on successfully passing the national standardized examinations by the National Council of Examiners for Engineering and Surveying (NCEES) without a certificate of registration from another state, territory or possession of the United States, the District of Columbia or a foreign country (1st registration). Assistant Attorney General (AAG) Tucker-Davis stated that the August 5, 1932 opinion from the Department of Justice was not relevant due to the differing language contained in the effective statutes of 1932. After discussion, it was moved and seconded (Kramer/Seward) for staff to contact Mr. Taylor and continue working with AAG Tucker-Davis on requesting revisions to LC 321. The motion passed unanimously.

Legislative Fiscal Office

Ms. Gilbert reported that she and Ms. Lopez met with Dawn Farr and Erica Kleiner, Legislative Analysts from the Legislative Fiscal Office to discuss how the information in future reports should be presented. Additional information was also submitted following the meeting to assist in the analysis and interpretation of the Board's performance by the Legislative Fiscal Office. The Biennial Report Review along with the draft Semi-Independent Agency Reporting Guidelines and the ORS 182.472 were included in the packets.

Mission, Functions, and Goals

Ms. Gilbert noted that the *Mission, Functions, and Goals* of each committee were included in the packets for addition to the Board Member Binders. These documents were adopted during the July 8, 2008 Board meeting. Also included are the *Law Enforcement Policy and Procedures*, *Disciplinary Procedures*, *Policy and Procedures for Digital Recording of Telephone Conversations*, and the *Procedures for Conducting a Random Audit of Registered Professional Engineers, Land Surveyors, and Photogrammetrists*, along with the *Continuing Professional Development Organizational Form*. President Laszlo inquired if the *Continuing Professional Development Organizational Form* would be available as a fill-able form on the Web site. Ms. Gilbert reported that staff has requested all forms that will be available on the new Web site to contain interactive fields.

Board Vacancies

Ms. Gilbert stated that the Governor's office has yet to fill the position that was vacated by George Gross, PE in 2007 (Congressional District 3). Although applications have been received, due to the types of issues currently before the Board, at this time, a professional engineer especially qualified in a discipline other than civil is preferred.

Staffing

Ms. Gilbert reported that Tina Sorensen was promoted to an Accounts Specialist, effective August 1, 2008. She will remain part-time with the option of changing to a full-time position in the future. The announcement for one additional full-time Investigator position continues to be available on the Board's Web Site.

Ms. Gilbert further reported that Information Coordinator, Ms. Meyer is expecting! The baby's due date is February 24, 2009. She also stated that she is also expecting! The baby's due date is February 26, 2009.

PRESIDENT'S REPORT

President Laszlo reported that she attended the NCEES Annual Meeting held in Minneapolis, MN along with Mr. Wahab and Mr. Linscheid. She stated that one of the highlights of the meeting was a resolution that Mr. Butts participated, in cooperation with the Western and Southern Zones. The Zones came together on an amended resolution requesting the NCEES President to charge a committee or task force to develop a written analysis of the potential impact of the proposed B+30. Other resolutions considered included the financing of airline tickets for past NCEES Presidents and guests to attend meetings, an 8-hour alternative examination proposed by the structural examination task force, and general revisions to the NCEES Constitutional language.

President Laszlo also reported that past Board Member, Ron Stuntzner sent her a notice on a professional wetlands science meeting, in addition to a notification on Senate Bill (SB) 544. SB 544 proposes a certification program for wetland scientists and to investigate the feasibility of establishing an Oregon certification program for professional wetland scientists under certain requirements. This is an issue that may impact the practice of engineering. Therefore, President Laszlo requested that the R&R Committee track developing bills.

President Laszlo also noted that staff requested Board volunteers to participate in the ABET visit to the Oregon State University (OSU). Mr. Butts and Ms. Kramer volunteered to attend the October 19-21, 2008.

President Laszlo announced that the annual performance evaluation of the Executive Secretary is near. Mr. Seward requested input prior to October 3, 2008. This deadline will allow him to compile comments for discussion during the October committee meetings and preparation for full Board discussion during November. The performance evaluation would then be available for review and comment by Ms. Lopez to ensure any concerns are addressed during the January 2009 Board Meeting. He also noted that the goals and objectives discussed during the previous performance evaluation would be utilized.

EXAMINATIONS AND QUALIFICATIONS COMMITTEE

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

Erik Peterson

Ms. Kramer briefly summarized the discussion held by the Committee with Mr. Peterson regarding correspondence he received for the October 2008 structural examinations. Pursuant to OAR 820-010-0465, applicants are required to submit evidence of additional study with their applications if they have not achieved a passing score in their first and second attempt for an examination. Mr. Peterson expressed his concerns with the Committee about the lack of study courses available in the State of Oregon for the structural examinations. Ms. Kramer stated that based upon the documentation he submitted and the discussion held the Committee determined that Mr. Peterson qualifies for the October 2008 structural engineering examination.

OAR 820-010-0225(2)(d)

Ms. Kramer summarized the discussion held by the Committee regarding an application for the October 2008 fundamentals of engineering (FE) examination from Franklin Rytkenon. She noted that the official documentation initially submitted by Mr. Rytkenon with his application did not clearly show completion of 6 of the 9 courses. However, he submitted a breakdown of the courses that he completed showing 6 of the 9 courses completed in addition to attending the meeting to answer any questions. After a brief discussion and review of documentation submitted, Ms. Kramer stated that the Committee determined that Mr. Rytkenon qualifies for the FE examination based upon the OAR 820-010-0225(3)(d).

Evidence of Additional Study

Ms. Kramer stated that the Committee reviewed a letter from Robert Durning regarding the intent to deny his admission to the four-hour Oregon Specific Land Surveying Examination (OAR 820-010-0465). She noted that Mr. Durning did not submit any evidence of additional study with his application, and requested the Committee to consider his application with evidence subsequently submitted. Ms. Kramer reported that the Committee was consistent with past decisions and pursuant to the OAR 820-010-0215, the denial sent to Mr. Durning remained.

Professional Development Hour (PDH) Exemption Request

Ms. Kramer briefly summarized a decision made by the Committee regarding a request for exemption to the required PDH units. Julie Sosnovske's certificate of registration has been in the "exempt" status for the last few years. Ms. Sosnovske submitted a letter stating that upon learning that the "exempt" status was no longer an option, she began to earn PDH's. However, she did not obtain the required 30 PDH units as a condition of renewal. To remain consistent, Ms. Kramer reported that the Committee informed Ms. Sosnovske that if she wishes to renew her certificate of registration to the "active" status she must obtain all required PDH's.

Four-Hour Oregon Specific Land Surveying Exam

Ms. Kramer noted that the Committee reviewed a request from David Peebler for a scoring point breakdown of April 2008 four-hour Oregon Specific Land Surveying Examination. Mr. Peebler requested the breakdown since he did not meet the qualifications in the OAR 820-010-0470 to review his examination. She further reported that the Committee directed staff to forward his comments to the individuals who develop and grade these examinations.

She also reported that the Committee reviewed a letter from Ed Henricks, 2008 Chair for the Professional Land Surveyors of Oregon (PLSO). Mr. Henricks requested information regarding the criteria that is used to grade grammar on the four-hour Oregon Specific Land Surveying examination. He also inquired if there was a time limit and if the hand written answers could be considered a rough draft. Additionally, Mr. Henricks stated concerns regarding the review process in the OAR 820-010-0470. Ms. Kramer noted that Bob Neathamer was sent a copy of the letter with a request for a response since volunteers develop and score the four-hour Oregon Specific Land Surveying examination. Ms. Kramer further stated that the Committee believed these questions would best be addressed by the volunteers.

Software Engineering

Ms. Kramer reported that the Committee reviewed a letter from Dan Wittliff, Consortium Facilitator for the Software Engineering Licensing Consortium. Mr. Wittliff stated in the letter that there is a growing need for registered software engineers and since many Boards will not offer registration in a discipline in which the National Council of Examiners for Engineering and Surveying (NCEES) does not offer an examination, he is requesting that State Boards petition the NCEES to develop an examination. After discussion, it was moved and seconded (Butts/Davis) to not support the request. The motion passed, with 3 members (Tappert/Seward/Hoffine) in opposition.

Request for Inactive Status

Ms. Kramer briefly noted that the Committee reviewed a request for "inactive" status from Robert Townsend. He is currently retired and caring for a family member, and does not meet the qualifications in the OAR 820-010-0520(3). Unfortunately, the OAR 820-010-0520(3) does not make provisions for family members and the Committee directed staff to respond accordingly and also inform Mr. Townsend of the 2009 legislative concept related to deleting the minimum age requirement of retired status in the ORS 672.180.

Request for Consideration for the PLS Exam

Ms. Kramer reported that the Committee reviewed and denied a request from John Balcom for entrance to the professional land surveyor (PLS) examinations. Mr. Balcom stated that he successfully completed the FE examination several years ago, however, he decided to pursue a career in land surveying instead of engineering. Therefore, he requested to be allowed to sit for the PLS examination based upon having passed the FE. Ms. Kramer stated that pursuant to the ORS 672.115, Mr. Balcom must successfully complete the fundamentals of land surveying (FLS) to qualify for the PLS examination. .

Structural Applications

Ms. Kramer briefly stated that staff requested clarification on fees for individuals who apply for a structural license by comity, but have not met the examination requirements. It was determined that in addition to the comity fee, applicants who must take the Washington Structural III examination, will be required to submit the full examination fee of \$480.00. There was no further discussion.

Exempt Status Comments

Ms. Kramer reported that the Committee reviewed an email from Larry Taylor regarding the elimination of the “exempt” status. Mr. Taylor stated that he enjoys the profession, however, does not use his certificate of registration in his current position, and his employer is not willing to cover the cost of his renewal and PDH’s. Pursuant to the OAR 820-010-0520, Ms. Kramer stated that Mr. Taylor does not qualify for “inactive” status.

Take-home Examination

Ms. Kramer noted that the Committee will continue its review and discussion of the take-home examination during the October meeting. There was no further discussion.

Review of Applications

Comity Applications

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

Charles Dawes – the Committee recommended Mr. Dawes’ professional engineer application for approval by the Board. Mr. Dawes successfully completed the California State specific fundamentals of engineering examination in 1968 and the California State specific professional engineering examination in 1972. The California State Board submitted a statement regarding substantial equivalency between the state specific examinations given in 1968 and 1972, and the NCEES 8 hour examinations.

Jonathan L. Heyl – the Committee did not recommend Mr. Heyl’s professional engineer application for approval by the Board. Mr. Heyl does not hold a bachelor’s degree from an ABET accredited engineering program. Additionally, the master’s degree awarded to Mr. Heyl does not have an ABET accredited undergraduate program, or contain 6 of the 9 courses in the OAR 820-010-0225(3)(d). The Committee informed Mr. Heyl that he must show completion of at least 6 of the courses for registration as a professional civil engineer pursuant to the OAR 820-010-0225(3)(d).

Examination Applications

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

Hyung Suk Chae – the Committee determined that Hyung Suk Chae must submit an additional six years of qualifying work experience for admission to the fundamentals of engineering examination pursuant to the OAR 820-010-0227(4). Although a course-by-course evaluation was received, the documentation stated the degree awarded is not equivalent to a degree recognized by the ABET.

Yong Bum Cho – the Committee determined that Yong Bum Cho must submit an additional two years of qualifying work experience for admission to the fundamentals of engineering examination pursuant to the OAR 820-010-0227(4). Although a course-by-course evaluation was received, the documentation stated the degree awarded is not equivalent to a degree recognized by the ABET.

Kendra Laminack – the Committee determined that Ms. Laminack qualifies for the October 2008 professional civil engineering examination. Ms. Laminack submitted a work experience record that shows some of the engineering experience gained was during her enrollment at Portland State University. However, pursuant to OAR 820-010-0010(4), Ms. Laminack submitted a supervisory professional engineer reference to verify that her experience gained was not in conjunction with her schooling and the Committee approved her application.

Jin Kyun Lee – the Committee determined that Jin Kyun Lee qualifies for the October 2008 professional civil engineering examination. Although, Mr. Lee was unable to provide a registered professional engineer who supervised his work and can verify the experience gained, pursuant to the OAR 820-010-0255 and based on the documentation provided, the Committee approved his application.

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

Mary Ann Ruopp – the Committee determined that Mary Ann Ruopp qualifies for the October 2008 professional electrical engineering examination. Although Ms. Ruopp was unable to provide a registered professional engineer who supervised her work to verify her experience gained while employed with Naval Facilities Engineering Command (NAVFAC), pursuant to the OAR 820-010-0255 and based on the documentation provided, the Committee approved her application.

Ms. Kramer informed the members that the Committee reviewed 25 applications for entrance to the FE examination. These individuals submitted course-by-course evaluations for degrees awarded that were deemed not equivalent to degrees recognized by the ABET. After reviewing the documentation submitted, it was determined that 12 individuals would be required to submit an additional four years of qualifying work experience pursuant to the OAR 820-010-0227(4),

and the remaining 13 individuals would be required to submit eight years of qualifying work experience pursuant to the OAR 820-010-0227(6) to gain admission to the FE examination.

Ms. Kramer also informed the members that the Committee reviewed and approved applications for 16 individuals whose documentation submitted was sufficient for entrance to the FE examination pursuant to the OAR 820-010-0225 and OAR 820-010-0227.

Re-Applications

Ms. Kramer reported that the Committee reviewed 39 re-applications from individuals who did not achieve a passing grade in their first and second written examinations pursuant to OAR 820-010-0465. Of the 39 reapplications reviewed, 37 were admitted to the October 2008 examination, and 2 individuals will be required to elaborate on the information submitted.

A second meeting of the Committee was held on August 22, 2008 by telephone. Mr. Butts reported the purpose of the meeting was to review the following applications for examination:

Justin James Elliott – the Committee determined that Justin James Elliott may qualify for the April 2009 professional civil engineering examination although he submitted an application for the October 2008 examination administration. Mr. Elliot applied based on OAR 820-010-0230(3). However, his Master's does not have an ABET accredited undergraduate program.

Michael J. Engle – the Committee determined that Michael J. Engle qualifies for the October 2008 professional mechanical engineering examination. Although he was unable to provide a registered professional engineer who supervised his work to verify his experience gained while employed with Xerox, pursuant to the OAR 820-010-0255 and his request to reduce the required number of references, the Committee approved his application.

Juan C. Hall – the Committee determined that Juan C. Hall qualifies for the October 2008 professional mechanical engineering examination. Although he was unable to provide a registered professional engineer who supervised his work to verify his experience gained while employed with the U.S. Army Corps of Engineers, pursuant to the OAR 820-010-0255 and his request to reduce the required number of references, the Committee approved his application.

Jared Hill – the Committee determined that Jared Hill qualifies for the October 2008 professional fire protection engineering examination. Although he was unable to provide a registered professional engineer who supervised his work to verify his experience gained while employed with Automatic Fire Sprinklers, Inc. and Western States Fire Protection Co, pursuant to the OAR 820-010-0255 and his request to reduce the required number of references, the Committee approved his application.

Byeong Sang Jang – the Committee determined that Byeong Sang Jang did not qualify for the October 2008 professional civil engineering examination. Mr. Butts noted that he was unable to provide a registered professional engineer who supervised his work to verify the minimum requirement of four years. After a review of the submitted documentation, the Committee determined that Mr. Jang must submit a qualified reference(s) that can verify at least one year of experience.

Hyun Pyo Kim – the Committee determined that Hyun Pyo Kim did not qualify for the October 2008 professional civil engineering examination. Mr. Butts stated that Mr. Kim was unable to provide a registered professional engineer who supervised his work to verify the experience gained while employed with the Republic of Korea – U.S. (ROK-US) Combined Air Component and the Korean Intellectual Property Office and was informed to submit at least one qualified reference who can verify at least one year of experience.

Kook S. Kim – the Committee determined that Kook S. Kim qualifies for the October 2008 professional fire protection engineering examination. Although he was unable to provide a registered professional engineer who supervised his work to verify the experience gained while employed with SK Engineering and TJD, Inc., pursuant to the OAR 820-010-0255 and his request to reduce the required number of references, the Committee approved his application.

Takashi Mishima – the Committee determined that Takashi Mishima qualifies for the October 2008 professional electrical engineering examination. Although he was unable to provide a registered professional engineer who supervised his work to verify the experience gained while employed with Kajima Associates, Inc., pursuant to the OAR 820-010-0255 and his request to reduce the required number of references, the Committee approved his application.

Jin Ho Park – the Committee determined that Jin Ho Park did not qualify for admission to the fundamentals of engineering examination. Mr. Butts reported that he submitted a course-by-course evaluation, however, the documentation stated the degree awarded is not equivalent to a degree recognized by the ABET. It was determined that Mr. Park would need to obtain an additional six years of qualifying work experience pursuant to the OAR 820-010-0227(4).

Matthew C. Rea – the Committee determined that Matthew Rea did not qualify for the admission to the October 2008 professional civil engineering examination. After a review of his application, it was noted that he does not have an ABET accredited Bachelor's degree and the documentation submitted, including his Master's degree, did not show completion 6 of the 9 core engineering courses (OAR 820-010-0225(3)(d)). The Committee determined an additional two years of qualifying work experience would be required to gain admission to the professional civil engineering examination.

Leroy J. Richardson – the Committee determined that Leroy J. Richardson qualifies for the October 2008 professional electrical engineering examination. Although he was unable to provide a registered professional engineer who supervised his work to verify his experience gained while employed with the U.S. Army Corps of Engineers, pursuant to the OAR 820-010-0255 and his request to reduce the required number of references, the Committee approved his application.

Michael Ross – the Committee determined that Michael Ross qualifies for the October 2008 professional control systems engineering examination. Since he was unable to provide the minimum requirement of five references, he submitted a request to reduce the required number of references. After a review of the submitted documentation, and pursuant to the OAR 820-010-0255, the Committee approved his application.

Sean E. Swanson – the Committee determined that Sean E. Swanson qualifies for the October 2008 fundamentals of land surveying examination. Although he was unable to provide a registered professional land surveyor who supervised his work to verify all the experience gained while employed with Geomax, Inc., pursuant to the OAR 820-010-0255 and his request to reduce the required number of references, the Committee approved his application.

Tomohiko Watanabe – the Committee determined that Tomohiko Watanabe qualifies for the October 2008 professional civil engineering examination. Although he was unable to provide a registered professional engineer who supervised his work to verify the experience gained while employed with Mitsubishi Heavy Industries America, Inc., pursuant to the OAR 820-010-0255 and his request to reduce the required number of references, the Committee approved his application.

Verena Winter – as discussed earlier during the Public Input portion of the meeting, the Committee reviewed an application for Verena Winter. After a brief discussion, the Board noted that Ms. Winter may forward her application and fee to the April 2009 examination administration since her initial request was in accordance with OAR 820-010-0440.

Mr. Butts informed the members that the Committee reviewed 8 applications for entrance to the FE examination. These individuals submitted course-by-course evaluations for degrees awarded that were deemed not equivalent to degrees recognized by the ABET. After reviewing the documentation submitted, it was determined that 4 individuals would be required to submit an additional four years of qualifying work experience pursuant to the OAR 820-010-0227(4), and the remaining 4 individuals would be required to submit eight years of qualifying work experience pursuant to the OAR 820-010-0227(6) to gain admission to the FE examination.

Mr. Butts also informed the members that the Committee reviewed and approved applications for 9 individuals whose documentation submitted was sufficient for entrance to the FE examination pursuant to the OAR 820-010-0225 and OAR 820-010-0227.

Re-Applications

Mr. Butts reported that the Committee reviewed 12 re-applications from individuals who did not achieve a passing grade in their first and second written examinations pursuant to OAR 820-010-0465. Of the 12 reapplications reviewed, 11 were admitted to the October 2008 examination, and the remaining individual may qualify for the April 2009 examination.

Licensure

Comity Applications – Mr. Butts directed the members' attention to the revised list of 80 applicants for licensure by Comity. It was moved and seconded (Butts/Kramer) to approve the revised list of 80 applicants as presented. The motion passed unanimously.

First Licensure Applications – Mr. Butts directed the members' attention to the 4 applicants seeking registration based on examination in another jurisdiction or by NCEES. It was moved and seconded (Butts/Wahab) to approve the 4 applicants as presented. The motion passed unanimously.

EXTERNAL RELATIONS COMMITTEE

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

Oregon Examiner

Ms. Kramer reported that the Summer 2008 Oregon Examiner newsletter was completed and distributed the week of August 4, 2008. Approximately 435 individuals requested to receive future editions of the Oregon Examiner electronically. Additionally, she reported that effective with the Winter 2009 edition, the Oregon Examiner will no longer automatically be mailed to all registrants.

After a brief discussion, it was determined that the *Advertisement for or Offering Professional Services* article was suitable for publishing in the Fall 2008 Oregon Examiner. Other articles determined to be included were:

- *Welcome Ken Hoffine*
- *NCEES Structural Examination Survey*
- *Oregon.gov Web site*
- *Digital Signatures/OARs 820-010-0620, 820-010-0010, & 820-015-0010*
- *Law Enforcement Frequently Asked Questions*
- *45-Day Violation Oregon Revised Statutes (ORS) 209.250*
- *Building Code Division Temporary Rule*
- *Professional Conduct & Mentoring*

The *Electrical Engineering/Oregon Administrative Rules (OAR 820-020-0020 & 918-311-0040)* article will be further discussed during the October meeting.

Ms. Kramer also informed the members that Belinda Rasmussen, Executive Director of the Professional Engineers of Oregon, requested to advertise workshops for professional organizations in future newsletters. After a brief discussion including informal advice from AAG Tucker-Davis, it was determined that the Board could not fulfill the request. Staff was directed to notify Ms. Rasmussen of the decision.

Web site

Ms. Kramer reported that staff is continuing to work with the OSBEELS IT personnel on the development and construction of the new site. Staff was directed to ensure the forms available on the site are fill-able and have the ability to save the information completed on the form. There was no further discussion.

FINANCIAL REPORT

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

Gift and Reimbursement Policy

Mr. Tappert reported that the Committee reviewed the draft Board Member Gift and Reimbursement Policy. The purpose of the policy is to outline the process in which gifts are purchased to show appreciation and gratitude for departing Board members. Consideration for purchasing the gift, farewell card, and wrapping accessories were also included in the draft policy. Mr. Seward provided a suggestion to revising the title; *Outgoing Recognition Policy*. After a brief discussion, it was determined that the additional discussion would be held during a future Committee meeting.

Travel Policy

Mr. Tappert noted that additional discussion was held regarding the Travel Policy for Board members. Through additional research conducted by staff with the State of Oregon Risk Management staff, information was provided related to the coverage of a Board member under workers' compensation and their travel out-of-state for Board business. Additional discussion would be held during the October Committee meeting.

Accounting Software/Chart of Accounts

Mr. Tapper reported that the Committee reviewed a draft Chart of Accounts. Staff worked with Sandy Childress, CPA in developing the draft. Another work session with Ms. Childress will be scheduled to implement a final Chart of Accounts with the new accounting software, QuickBooks Pro 2008. There was no further discussion.

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

LAW ENFORCEMENT COMMITTEE

Mr. Linscheid reported that the Law Enforcement Committee met on August 7, 2008, to discuss the following matters:

Informal Conference

2488 – Bernard A. Sutton

Mr. Linscheid reported that Mr. Sutton met with the Committee for an informal conference on June 3, 2008, to discuss a Notice of Intent to Revoke Registration and Assess a Civil Penalty of \$13,000 (NOI). During the meeting, Mr. Sutton agreed that the thirteen violations in the NOI were correct due to his failure to submit thirteen records of survey for timely filing to the County Surveyor. At that time, the Committee and Mr. Sutton reached an understanding for Mr. Sutton to provide certain information to the Board during the July 8, 2008 meeting. However, Mr. Sutton was unable to provide the Board with the requested information and the case was referred back to the Committee for further discussion. Mr. Linscheid reported that Mr. Sutton met with the Committee on August 7, 2008, and provided the required documentation. The Committee reviewed the documentation and recognized that Mr. Sutton had fulfilled the remaining terms of the understanding. Therefore, the Committee and Mr. Sutton reached a settlement agreement in which his registration to practice land surveying would be revoked and that the Committee would waive the \$13,000 civil penalty. It was moved and seconded (Linscheid/Seward) for the

Board President to sign the settlement agreement with Mr. Sutton. The motion passed unanimously.

Cases Reviewed

2396 – Catherine Nelson / Doug Spencer

Mr. Linscheid reported that both Catherine Nelson and Doug Spencer are employees of the Oregon Department of Transportation (ODOT). On February 24, 2005, both Ms. Nelson and Mr. Spencer attended a PPC meeting regarding several issues including standard drawings. While the Board does not dictate the internal operations of an agency, it was that discussions between the PPC and ODOT resulted in modifications to the ODOT policies and processes that may have contributed to the violations. Regardless, Ms. Nelson used her signed professional seal to indicate compliance with the ODOT administrative processes, which is a misuse of the seal and signature. Rather, the seal and signature indicate conformance with the requirements set forth in ORS 672 and OAR 820. It was moved and seconded (Linscheid/Butts) to send Ms. Nelson a letter of concern. The motion passed unanimously.

2397 – Steven Cooley / Doug Spencer

Mr. Linscheid reported that the respondent Steven Cooley also is an employee of the ODOT. In case 2397, Mr. Spencer prepared the plans and contract specifications for the project, but was not allowed to seal and sign the specifications that were distributed to the public. Rather, the ODOT policy at the time required Mr. Cooley to seal and sign the coversheet for the contract specifications, contrary to the supervision and control requirements of ORS 672.002(12). As he stated earlier, the Board does not dictate the internal operations of an agency. However, it was noted that discussions between the PPC and ODOT may have resulted in modifications to the ODOT policies and processes that could have contributed to the violations. It was moved and seconded (Linscheid/Seward) to send Ms. Nelson a letter of concern. The motion passed unanimously. It was further requested for the R&R Committee to address the definition of a standard drawing during the next meeting in October.

2406: Donald A. Rondema / Jim Wilkins

Mr. Linscheid reported that the respondent Mr. Rondema is a registered engineer, especially qualified in geotechnical engineering, who designed a retaining wall that was involved in a land slide in the City of Astoria. It was alleged that Mr. Rondema failed to follow the Rules of Professional Conduct, or exercise a standard of care. The Committee requested a professional reviewer, Tim Blackwood, to evaluate the evidence and prepare a report for consideration. The Committee determined that Mr. Rondema did not follow a standard of care and directed staff to issue a Notice of Intent to Revoke Registration and Assess a Civil Penalty of \$1,000 for violating OAR 820-020-0015(2).

2431 – Maud de Bel / Ace Consultants

Mr. Linscheid reported that the respondent Maud de Bel, PE, prepared an engineering report regarding a possible energy conservation project at the City of Prineville wastewater treatment facility when she was not registered with the Board. Ms. de Bel listed her title on the report as a Senior Process Engineer when, at the time, she was not registered with the Board. The Committee also determined that the City of Prineville report offered engineering recommendations based on observations. Mr. Linscheid reported that the Committee directed

staff to issue a Notice of Intent to Assess a Civil Penalty of \$2,000 for violating ORS 672.007(1)(a) and (c) and ORS 672.045(1).

2467 – Marc M. Holcomb, Sr. / N. Shannon Hanawalt

Mr. Linscheid reported that the respondent Marc Holcomb, PLS, CWRE, prepared a map of survey that was submitted to the County Surveyor past the 45 days required to submit a map for filing. When filed, the map was found to contain statements regarding an offset monument that appeared to be untruthful. Mr. Linscheid reported that the Committee directed staff to issue a Notice of Intent to Revoke Registration and Assess a \$3,000 Civil Penalty for violating ORS 209.250(1), ORS 672.025(2), ORS 672.200(2), OAR 820-010-0621(2), OAR 820-020-0015(10), OAR 820-020-0025(1), OAR 820-030-0060, and OAR 820-030-0070.

2468 – Leonard L. Gilson / William & Treedah Lewandowski

Mr. Linscheid reported that the respondent Leonard Gilson, PLS, PE, WRE, failed to provide notice of right of entry to the neighbor when he surveyed his client's property. Regardless of Mr. Gilson's claim that he remained on his client's property, a right of entry violation may have occurred based on the acts of setting and surveying the monuments. No violation of the 45-day requirement to file a map of survey was found. Mr. Linscheid reported that the Committee directed staff to conduct additional investigation regarding whether Mr. Gilson provided an appropriate right of entry notice under ORS 672.047.

2469 – Victor J. Castillo / William & Treedah Lewandowski

Mr. Linscheid reported that this case is related to case 2468 and the Committee recommends closing case 2469. Mr. Castillo hired Mr. Gilson to survey his property. The complainants, William and Treedah Lewandowski alleged that Mr. Castillo removed a monument of survey. However, the investigation revealed that Mr. Gilson did not accept the iron rod that was removed as a boundary monument. Therefore, Mr. Castillo did not remove a monument of record. Also, no evidence supported the allegation that the worker Mr. Castillo hired pulled the monument. It was moved and seconded (Linscheid/Butts) to close the case as allegations unfounded. The motion passed unanimously.

2474 – Darryl J. Anderson / Clyde & Suzan Burch

Mr. Linscheid reported that the respondent Darryl Anderson, PLS, PE, WRE, surveyed property adjacent to the Burch properties in Christmas Valley. The Clyde and Suzan Burch alleged that Mr. Anderson was negligent and failed to provide right of entry notice. A field investigation revealed no supporting evidence for the allegation that Mr. Anderson surveyed the Burch properties. Rather, the field investigation revealed that unknown parties had engaged in illegal surveying activity resulting in the complainants' property being entered upon and mismarked. However, Mr. Anderson failed to provide notice of right of entry prior to setting monuments common to the Burch's properties. Mr. Linscheid reported that the Committee directed staff to prepare a Notice of Intent to Assess a \$1,000 Civil Penalty for violating ORS 672.047.

A discussion was held when Mr. Hoffine pointed to the challenges in providing notification of right of entry in the sparsely populated areas of the state versus the urban areas. He noted the difficulty in notifying absentee owners, notifying parties when no improvements are on the property, or knowing a change in land ownership when surveying open lands. Regardless, the

Board has an obligation to enforce the laws as written. Furthermore, it was pointed out that notification is not onerous when ORS 672.047 states, “without first attempting to provide notice to the landowner or occupant of the property in person.” It was observed that some land surveyors have mailed notifications to neighbors surrounding a survey project as a method to solicit additional business. Other land surveyors have taken digital photographs to document that they provided posted notice. Further discussion was held regarding whether a land surveyor can approach a house to provide notice. AAG Tucker-Davis stated that unless there are clear signs meant to prohibit trespassing, there is an implied consent to approach the front door to request permission to enter property or to post notice. In the case 2474, as with any right of entry allegation, the respondent can meet with the Committee to discuss their specific situation and the Committee can take contributing factors into consideration when determining a penalty. Based on the situation and pursuant to OAR 820-010-0617, the Committee may either dismiss the allegation and penalty or lower the penalty. However, the penalty can not exceed \$1,000 for any particular right of entry violation.

2475 – Jerry Maris / William & Kimberly Kuehne

Mr. Linscheid reported that the respondent Jerry Maris, PLS, failed to submit a map of survey within 45-days of setting boundary monuments. During the course of the survey, Mr. Maris determined a resolution for a center of section that was different than the monumented center of section. This difference adjusted affected property lines. Through consultation with the County Surveyor, it was found that Mr. Maris correctly located the center of section. Nevertheless, he failed to request a timely extension to file the record of survey. Mr. Linscheid reported that the Committee directed staff to prepare a Notice of Intent to Assess a \$1,000 Civil Penalty for violating the ORS 209.250(1).

2476 – Bruce Goldson / Justy Papst

Mr. Linscheid reported that a field crew working under the supervision of the respondent Bruce Goldson, PE, PLS, failed to provide right of entry notice when they entered property to conduct a survey of the adjacent property. Mr. Goldson believed that notice was provided to the property owner by his client who was the adjacent property developer. ORS 672.047(4) requires that the professional land surveyor or their employee or agent provide notice. Mr. Linscheid reported that the Committee directed staff to prepare a Notice of Intent to Assess a \$1,000 Civil Penalty for violating the ORS 672.047.

2484 – Darius Ferguson / Mike & Dawn Nunn

Mr. Linscheid reported that the Committee recommends closing case 2484. He stated that a private investigator submitted an email to the Board on behalf of Mike and Dawn Nunn. The email alleged a right of entry violation with property damage caused by the respondent Darius Ferguson, PLS. Upon preliminary review of the inquiry, a letter was sent requesting that the Nunn’s submit a complaint form and complaint description. No response was received. It was moved and seconded (Linscheid/Seward) to close the case as insufficient evidence. The motion passed unanimously.

New business
Civil penalties

Mr. Linscheid reported that the Committee discussed whether or not to assess interest on respondents who wish to enter a payment plan on a civil penalty rather than paying the penalty in full. It was noted that once the respondent fails to make payments as agreed in a settlement, the Committee assesses interest on the unpaid balance of civil penalties (15%) and the case is turned over for collection to the Department of Revenue. However, Mr. Linscheid reported that the Committee determined not to assess interest when a payment plan is part of a settlement agreement.

Glen Arthur Richardson, PLS: Memorandum on conviction

Mr. Linscheid reported that Mr. Richardson recently pled guilty to multiple counts of sexual abuse and sodomy. According to ORS 672.200(3), the Board can take action against a registrant “for conviction of a felony, or of a misdemeanor involving the practice of engineering or the practice of land surveying.” Since the charges against Mr. Richardson were unrelated to the practice of land surveying, he stated that Committee determined not to open a case. However, Board members discussed situations where the Board could take action when there is a connection between a felony conviction and the Rules of Professional Conduct. For example, if a surveyor uses right of entry to gain access to property in order to commit an illegal act. Regardless of any particular event, the Board may need to modify the rule in order to address illegal activities not covered by the current rules.

Albert G. Duble: Retired professional engineer who has practiced

Mr. Linscheid reported that Albert Duble, PE (retired), contacted the Board regarding reactivation of his professional engineering registration. In the course of discussion, Mr. Duble admitted to practicing engineering during his retirement contrary to the limitations set forth in OAR 820-010-0520(2). Mr. Linscheid briefly stated that the Committee directed staff to open a case against Mr. Duble.

Unfinished Business

2453 – Marcela Alcantar / Elizabeth Moorhead

Mr. Linscheid reported that further investigation is required for case 2453. The respondent Ms. Alcantar may have offered engineering services in applications to the Oregon Office of Minority, Women, and Emerging Small Business Enterprise (OMWESB) without employing a full time engineer consistent to OAR 820-010-0720. He stated that staff was directed to identify the rule required at the time the applications were submitted to the OMWESB and to reevaluate the applications against the prior rule versions.

2464 – Gordon Snyder / OSBEELS

Mr. Linscheid reported that staff was scheduled to meet with the City of Springfield to review their archived files regarding this case on September 12, 2008. There was no further discussion.

2466 – Christopher Lidstone / OSBEELS

Mr. Linscheid reported that a request to the Oregon State Board of Geologist Examiners (OSBGE) for a copy of their investigation documents resulted in an offer to examine the file at the OSBGE office. However, staff submitted a public records request for the documents and is awaiting a response.

Continuing Professional Development Audit Memorandums: Review CPD memorandums

Mr. Linscheid reported the results from the audit of registrants for compliance to the continuing professional development (CPD) requirements required as a condition of renewal. He stated that the Committee determined the following as reported in the Committee minutes. There was no further discussion.

Professional Reviewer/Expert Witness Applications

Mr. Linscheid reported that three applications were received for the professional reviewer/expert witness program. After discussion, he stated that the Committee recommends to not accept Jeff Filler, PE as a professional reviewer/expert witness. Mr. Linscheid briefly summarized the discussion held by the Committee and found that he is likely not familiar with Oregon's standard of care since he lives and practices in Idaho. It was moved and seconded (Linscheid/Davis) to not accept Mr. Filler as a professional reviewer/expert witness. The motion passed unanimously.

Mr. Linscheid reported that the Committee recommends approving Roy Macmillan, PE as a professional reviewer/expert witness. He briefly summarized the Committee discussion and noted that his qualifications and application met the requirements of the program. Mr. MacMillan had also been an OSBEELS examination proctor in the past. It was moved and seconded (Linscheid/Tappert) to accept Mr. MacMillan as a professional reviewer/expert witness. The motion passed unanimously.

Mr. Linscheid reported that the Committee recommends approving Wendell Harness, PLS as a professional reviewer/expert witness. He briefly summarized that his qualifications and application met the requirements of the program. It was moved and seconded (Linscheid/Davis) to accept Mr. Harness as a professional reviewer/expert witness. The motion passed unanimously.

Mr. Linscheid reported that the Committee reviewed a staff memorandum regarding the approved professional reviewer/expert witness Richard Bancroft, PE, PLS. Mr. Bancroft notified staff that he had not renewed his professional registrations and was in the delinquent status. When Mr. Bancroft's Statement of Qualifications (SOQ) was reviewed, it was noticed under the SOQ Mandatory Requirements Section 3.2.10, that a professional reviewer/expert witness must hold an active registration with the Board or "*must have sufficient academic credentials in geomatics as to demonstrate expertise in their field of discipline.*" Mr. Linscheid summarized the discussion held by the Committee regarding the academic credentials statement which conflicts with the requirements set forth in OAR 672.005(2)(g). Furthermore, the adopted *Professional Reviewer and Expert Witness Selection Procedures* do not identify the steps necessary to remove an approved reviewer from the pool of experts. It was moved and seconded (Linscheid/Seward) to remove Mr. Bancroft as a professional reviewer/expert witness. The motion passed unanimously. It was moved and seconded (Linscheid/Seward) to revise the Professional Reviewer/Expert Witness Selection Procedures to include steps to remove an approved reviewer. 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 August 4, 2008, to discuss the following matters:

Use of Standard Plans for Driveway Accesses

Mr. Tappert reported that the Committee reviewed and discussed a letter from Cathy Nelson, Chief Engineer with the Oregon Department of Transportation (ODOT), regarding the proposal of using standard plans to assist with access management of state highways. Ms. Nelson is requesting input on the process due to the anticipation of possible hesitation by employees regarding the use of a standard plan. It was noted that the document included many variables for an individual to consider and prompted additional questions of the members. After discussion, it was determined that Ms. Nelson would be invited to a future meeting of the Committee to review the standard plan for a Standard Type "A" Driveway Approach provided.

Land Owner Establishing Boundaries of Personal Property

Mr. Tappert summarized the discussion held by the Committee prompted by an email from Todd Zeutzius, PLS. Mr. Zeutzius inquired if a professional land surveyor can establish the boundary of their own property. Mr. Tappert stated that the Committee responded by stating that the act of "establishing a boundary," regardless if the property is owned by the professional land surveyor, fall within the meaning of the practice of land surveying as defined in ORS 672.005(2)(c).

Practicing Land Surveying without a License

Mr. Tappert reported that the Committee received an email from Jon Proud, PLS requesting clarification on practicing land surveying without a license in regards to general contractors. He summarized the discussion held by the Committee regarding general contractors using a digital model of the construction drawings and GPS and robotic total stations to layout fixed works within a private property that will ultimately be used by the public. Mr. Tappert noted that the Committee felt the information provided by Mr. Proud was not sufficient to obtain a full understanding of the scenario or to determine whether unlicensed practice is occurring and therefore requested if further information is available to provide a determination.

Average Ground Level {ORS 672.107(1)(a)(D)}

Mr. Tappert briefly noted that the Committee received an email from Hal Pfeifer, PE, requesting clarification on the "average ground level" as contained in ORS 672.107(1)(a)(D). He stated that, consistent with past determinations, for this particular design and based on the information provided by Mr. Pfeifer, the average ground level would be considered 46' 6". In addition, he noted that the Committee also determined to refer the matter to the R&R Committee to draft language defining the "average ground level."

ALTA Survey Brokers

Mr. Tappert reported that the Committee received an email from Paul Galli, PLS related to American Land Title Association (ALTA) survey brokers in Oregon. He noted that Mr. Galli was also in attendance for the Committee meeting and stated that these national companies

provide broker services between their clients and Oregon professional land surveyors, and have been determined as illegal in other states. Mr. Galli also provided the Committee with a Web site address of U.S. Surveyor and an article from the California Board newsletter titled, “*Coordination of Land Surveying Services: Is It Really Different, Under California Law, Than Practicing Land Surveying?*” Mr. Tappert stated that after reviewing the material provided and discussion with Mr. Galli, the Committee felt that U.S. Surveyors were not violating any laws or rules of the Board since it appeared that statements on the Web site conformed to the exempt the company as provided in ORS 672.060(9)(a) and 672.060(9)(b).

45-Day Filing Rule

Mr. Tappert briefly noted that the Committee held a brief discussion regarding OAR 820-030-0060 – Filing Time and Place. He stated that staff requested confirmation pertaining to the language in the rule related to the 45-day limit commencing with the setting of the first monument and not the completion of the project. He reported that the Committee confirmed that the rule is still current. However, the rule will be forwarded to the Rules and Regulations Committee for minor revisions to clarify the language.

RULES AND REGULATIONS COMMITTEE

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

OAR 820-010-0505 – Biennial Renewal of Registration

Mr. Tappert reported that the Committee recommends approving OAR 820-010-0505 to begin the rulemaking process. He stated that the proposed draft rule clarifies the biennial renewal fees, delinquent fees, required continuing professional development requirements, and when fees must be postmarked or hand delivered to the Board office. It was moved and seconded (Tappert/Kramer) to approve the rulemaking process to adopt OAR 820-010-0505. The motion passed unanimously.

OAR 820-010-0444 – Proctoring of Examinations

Mr. Tappert reported that the Committee recommends approving OAR 820-010-0444 to begin the rulemaking process. He stated that the proposed draft rule specifies that the Oregon Specific examinations administered by the Board will be held only at the time and place prescribed by the Board within the State of Oregon. It was moved and seconded (Tappert/Seward) to approve the rulemaking process to adopt OAR 820-010-0444. The motion passed unanimously.

OAR 820-010-0470 – Review of Examinations

Mr. Tappert reported that the Committee recommends approving OAR 820-010-0470 to begin the rulemaking process. He stated that the Committee revised the language to include the required fee for the review of an Oregon Specific examination. In addition, the language clarifies that the fees are payable to OSBEELS, with the exception of the Washington structural III review fee. It was moved and seconded (Tappert/Linscheid) to approve the rulemaking process to amend OAR 820-010-0470. The motion passed unanimously.

OAR 820-010-0200 – Application for Registration as Professional Engineers (PE) Based on Licensure by Another Jurisdiction (Comity)

Mr. Tappert reported that the Committee recommends approving OAR 820-010-0200 to begin the rulemaking process. He stated that the purpose of the revisions were to assure that the rules are clear to applicants regarding the requirements for applications for registration as professional engineers based on current licensure by another jurisdiction. It was moved and seconded (Tappert/Butts) to approve the rulemaking process to amend OAR 820-010-0200. The motion passed unanimously.

OAR 820-010-0204 – Application for Registration as Professional Engineers (PE) Based on Examination by Another Jurisdiction or by NCEES (1st Registration)

Mr. Tappert reported that the Committee recommends approving the rulemaking process to adopt OAR 820-010-0204. He stated that the purpose of the revisions were to clarify the requirements for applications for registration as professional engineers based on examination by another jurisdiction or by NCEES. It was moved and seconded (Tappert/Seward) to approve the rulemaking process to amend OAR 820-010-0204. The motion passed unanimously.

OAR 820-010-0212 – Application for Registration as Professional Engineers (PE) Based on Examination

Mr. Tappert reported that the Committee recommends approving the rulemaking process to adopt OAR 820-010-0212. He briefly summarized that in the process of reviewing the rules related to requirements for applications for registration as professional engineers, it was noted that a complementary rule did not exist for applications for examinations. Therefore, the proposed draft rule clarifies the information and documentation required from applicants for registration by examination. It was moved and seconded (Tappert/Seward) to approve the rulemaking process to adopt OAR 820-010-0212. The motion passed unanimously.

OAR 820-010-0205, OAR 820-010-0206, OAR 820-010-0213 – Application for Registration as Professional Land Surveyors (PLS)

Mr. Tappert reported that the Committee recommends approving OAR 820-010-0205, 820-010-206, and 820-010-0213 to begin the rulemaking process. He briefly summarized that the Committee made similar revisions to those made for the rules related to the applications for registration as professional engineers. It was moved and seconded (Tappert/Linscheid) to approve the rulemaking process to amend OAR 820-010-0205. The motion passed unanimously. It was moved and seconded (Tappert/Linscheid) to approve the rulemaking process to amend OAR 820-010-0206. The motion passed unanimously. It was moved and seconded (Tappert/Linscheid) to approve the rulemaking process to adopt OAR 820-010-0213. The motion passed unanimously.

OAR 820-010-0207, OAR 820-010-0208, OAR 820-010-0214 – Application for Registration as Professional Photogrammetrists

Mr. Tappert reported that the Committee recommends approving OAR 820-010-0207, 820-010-0208, and 820-010-0214 to begin the rulemaking process. He briefly summarized that the Committee made similar revisions to those made for the rules related to the applications for registration as professional engineers and professional land surveyors. It was moved and seconded (Tappert/Linscheid) to approve the rulemaking process to amend OAR 820-010-0207.

The motion passed unanimously. It was moved and seconded (Tappert/Linscheid) to approve the rulemaking process to amend OAR 820-010-0208. The motion passed unanimously. It was moved and seconded (Tappert/Linscheid) to approve the rulemaking process to adopt OAR 820-010-0214. The motion passed unanimously.

OAR 820-010-0227 – Educational and Experience Qualifications to Take the Fundamentals of Engineering (FE) Examination for Enrollment as an Engineering Intern (EI) and Application Based on Non-Accredited Degrees

Mr. Tappert reported that the Committee recommends approving OAR 820-010-0227 to begin the rulemaking process. He noted that the revisions to the rule clarify the information and documentation required with an application. It was moved and seconded (Tappert/Linscheid) to approve the rulemaking process to amend OAR 820-010-0227. The motion passed unanimously.

OAR 820-010-0228 – Combined Educational and Experience Qualifications to Take the Fundamentals of Land Surveying (FLS) Examination for Enrollment as a Land Surveying Intern (LSI) and Application Based on Non-Accredited Degrees

Mr. Tappert reported that the Committee recommends approving OAR 820-010-0228 to begin the rulemaking process. He stated these revisions are similar to the revisions made to OAR 820-010-0227 regarding the information and documentation required with an application. It was moved and seconded (Tappert/Linscheid) to approve the rulemaking process to amend OAR 820-010-0228. The motion passed unanimously.

OAR 820-010-0010 – Definitions

Mr. Tappert reported that the Committee recommends approving OAR 820-010-0010 to begin the rulemaking process. He stated these revisions were made to complement the revisions to OAR 820-010-0227 and 820-010-0228 by removing the definitions for American Association of Collegiate Registrars and Admissions Officers (AACRAO) and Education Credential Evaluators, Inc. (ECE). It was moved and seconded (Tappert/Linscheid) to approve the rulemaking process to amend OAR 820-010-0010. The motion passed unanimously.

OAR 820-010-0255 – Reference Qualifications

Mr. Tappert reported that the Committee recommends approving OAR 820-010-0255 to begin the rulemaking process. He stated that the Committee revised the rule to pertain to the qualifications of providing a reference for an applicant. It was moved and seconded (Tappert/Seward) to approve the rulemaking process to amend OAR 820-010-0255. The motion passed unanimously.

OAR 820-010-0215 – Forms of Applications

Mr. Tappert reported that the Committee recommends approving OAR 820-010-0215 to begin the rulemaking process. He briefly noted that the revisions made by the Committee relate to the application process and required documentation. It was moved and seconded (Tappert/Kramer) to approve the rulemaking process to amend OAR 820-010-0215. The motion passed unanimously.

UNFINISHED BUSINESS

A calendar for proposed committee meeting dates was included in the Board packets for consideration. After a brief discussion, it was determined that the dates provided during the second week of even numbered months appear to fit within the member's schedule. The Law Enforcement Committee will meet on Thursdays with the remaining committees to meet on Fridays. Exact times will be flexible due to the workload for each committee.

NEW BUSINESS

The members reviewed an email submitted by David Van Holde regarding the renewal of his professional engineering registration. He is requesting a waiver of the delinquent fee assessed since his registration is an expense paid by his employer. Mr. Van Holde was assessed the delinquent fee because he did not certify completing the required professional development hours (PDH). As stated in OAR 820-010-0635, 30PDH units are required as a condition of registration renewal. After reviewing the information submitted and a brief discussion, the Board determined that the delinquent fee was appropriate and denied his request.

ADJOURN

The meeting was adjourned at 3:22 p.m.

NEXT MEETINGS

Next Board Meeting:

November 12, 2008

Next Committee Meetings:

EXAMINATIONS & QUALIFICATIONS: Thursday, October 9th at 9:00 a.m.

EXTERNAL RELATIONS: Thursday, October 9th at 11:00 a.m.

FINANCE: Thursday, October 9th at 12:30 p.m.

RULES & REGULATIONS: Thursday, October 9th at 1:00 p.m.

PROFESSIONAL PRACTICES: Thursday, October 9th at 3:00 p.m.

LAW ENFORCEMENT: Friday, October 10^h at 10:00 a.m.*

* The 10:00 a.m. time on 10/10/2008 for the LEC is tentative. Depending on the schedule of informal conferences, the LEC may meet later in the afternoon.