



Oregon

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

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PROFESSIONAL PRACTICES COMMITTEE

Minutes of Meeting

August 4, 2008

Members present:

Grant Davis, Chair
Sue Newstetter
John Seward
Carl Tappert
Amin Wahab

Others present:

Mari Lopez, Executive Secretary
Jenn Gilbert
Joanna Tucker-Davis, AAG

Visitors present:

Jim Schwager, Portland Fire & Rescue
Jeff Dutton, JND Fire Sprinkler, Inc.
Joe Verbanic, All Pro Fire Protection
Barrie Haanen, BDH Fire Protection Systems, Inc.
Ed Wallace, United Fire and Safety
Don Pamplin, National Fire Sprinkler Association, Inc.
Dwayne Lagore, Delta Fire
John Sanwel, Patriot Fire
Loren Martin, Allied Fire Systems
Jon Copsey, Allied Fire Systems
Paul Galli, WRG Design
Richard Gordon, Simplex Grinnell
Brett Biscitel, Simplex Grinnell
Mickey Wilson, Simplex Grinnell
Belinda Rasmussen, Professional Engineers of Oregon

The meeting of the Professional Practices Committee was called to order at 10:00 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, OR 97301.

Guest Discussion:

It was noted that the Fire Protection matter under the Unfinished Business portion of the agenda relates to the guest discussion. Therefore, it was agreed upon by the Committee to rearrange the agenda to accommodate the majority of the guests in attendance. Don Pamplin, Regional Manager for the National Fire Sprinkler Association, Inc. addressed the Committee on behalf of members of the national trade association, specifically members involved in the business of fire

sprinkler systems, in a similar manner that he addressed the Board during the July meeting. 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 promulgates rules to identify the roles and tasks of individuals as contained in the position paper. Mr. Pamplin further believes that the 2008 Position Paper suitably describes the relationships of and responsibilities between the professional engineer and the engineering technician. The guests and Committee agreed. However, the Committee determined to include the topic of the design of fire protection for discussion during the September Board meeting. Additional discussion would allow the Board an opportunity to gain a thorough understanding of the practice and concerns. This would also allow the full Board an opportunity to review the Position Paper published on June 6, 2008 and determine if the document sufficiently addresses the questions and concerns raised.

Use of Standard Plans for Driveway Accesses – Letter dated June 12, 2008

The Committee received 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. After discussion and review of the standard plan for a Standard Type “A” Driveway Approach provided by Ms. Nelson, the Committee will present the matter during the September Board meeting for additional discussion.

Land Owner Establishing Boundaries of Personal Property – Email dated June 24, 2008

The Committee received an email from Todd Zeutzius, PLS inquiring if a professional land surveyor can establish the boundary of their own property. After a brief discussion, the Committee determined 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). Staff will respond accordingly.

Practicing Land Surveying without a License – Email dated June 27, 2008

The Committee received an email from Jon Proud, PLS requesting clarification on practicing land surveying without a license in regards to general contractors. Mr. Proud informed the Committee that the issue circulating in other states relates to 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. After discussion, the Committee stated that 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. Staff will respond to Mr. Proud accordingly and request if further information is available to provide a determination.

Average Ground Level {ORS 672.107(1)(a)(D)} – Email dated July 3, 2008

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). Mr. Pfeifer included in his email several measurements, including the average roof height of 46’ 6”. The Committee stated that consistent

with past determinations, for this particular design the average ground level would be considered 46' 6". The Committee also determined to refer the matter to the Rules and Regulations Committee to draft language defining the "average ground level." Staff will respond accordingly.

ALTA Survey Brokers – Email dated July 9, 2008

The Committee received an email from Paul Galli, PLS related to American Land Title Association (ALTA) survey brokers in Oregon. He states 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. Galli was in attendance to review and discuss with the Committee the issue along with the California Board's article and the Web site. It was determined that U.S. Surveyors were not violating any laws or rules of the Board since it appeared that statements on the Web site would exempt the company based on both ORS 672.060(9)(a) and 672.060(9)(b).

45-Day Filing Rule – Staff Memorandum dated July 24, 2008

A brief discussion was held regarding OAR 820-030-0060 – Filing Time and Place. Staff requested confirmation that the language in the rule is still current and that the Board continues to interpret the 45-day limit commencing with the setting of the first monument and not the completion of the project. 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.

Unfinished Business:

Practice of Fire Protection

As discussed during the Guest Discussion, the matter of the Practice of Fire Protection will be further discussed during the September Board meeting. In addition, the inquiries that the Committee did not directly address or consider due to the time constraints will receive notification of the September Board meeting and the anticipated discussion to take place.

2008 Reference Manual for Building Officials

The Committee briefly discussed the Reference Manual for Building Officials. Since further discussion will be held regarding the inclusion of the design of fire protection systems within the Reference Manual, the anticipated September distribution has been postponed. Chair Davis stated that he will also schedule a meeting with the representatives from the Oregon Board of Architect Examiners (OBAE) to discuss the matter.

The meeting adjourned at 12:15 p.m.