



Oregon

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

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PROFESSIONAL PRACTICES COMMITTEE

Minutes of Meeting

October 9, 2008

Members present:

Sue Newstetter

John Seward

Carl Tappert

Amin Wahab (excused absence)

Grant Davis (excused absence)

Others present:

Jenn Gilbert

Joanna Tucker-Davis, AAG

Visitors present:

Jim Schwager, Portland Fire & Rescue

The meeting of the Professional Practices Committee was called to order at 3:00 p.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.

New Business

Professional Requirements – Email dated August 25, 2008

The Committee received an email from Russ Lawrence regarding river restoration work. Mr. Lawrence stated that he performs work in river restoration and believes it is being interpreted as the scope of work for a licensed geologist. He also attached a paper titled Watershed Assessment, River Restoration, and the Geoscience Profession in Oregon. After reviewing the attachment and discussing the email, the Committee noted that the Oregon Revised Statute (ORS) 672.545(3)(a), does not prevent a professional engineer from performing geology within the scope of the practice of engineering. Furthermore, the Committee noted that the author recognized the “inherent overlap between the Earth-resource professions (e.g. geology, engineering, hydrology),...” on page 5 of the paper. Staff was directed to respond accordingly.

NPDES Construction Stormwater General Permit No. 1200-C – Letter dated September 24, 2008

The Committee reviewed the response received regarding the Department of Environmental Quality’s (DEQ) 1200-C Permit Guidance for preparing an Erosion and Sediment Control Plan. There were no concerns from the members and it was noted that the training and experience in erosion prevention and sediment controls did not require the special knowledge of a professional engineer. Therefore, an inspector would not be required to hold a registration as a professional engineer.

Right of Entry Statutes – Email dated October 2, 2008

The Committee reviewed an email submitted by Dan Linscheid regarding the right of entry statutes for private surveyors versus those employed by and acting under the authority of the County Surveyor. He noted that ORS 209.990 - **Penalties; civil remedies** does not appear to apply to violations of ORS 209.015, and specifically inquired if the Board has the authority to sanction violators of the County Surveyor right of entry statutes. After discussion, the Committee agreed that if the County Surveyor violated ORS 672.047, the Board has the authority to sanction the County Surveyor. However, if the County Surveyor was in violation of any portion of ORS 209, except ORS 209.250, the Board lacked any jurisdiction. The Committee was then challenged with the question, are County Surveyors exempt from ORS 672 because of ORS 209? Without a specific scenario and the extent of resources that may be expended for legal research by the Assistant Attorney General (AAG), a more comprehensive answer could be obtained at the discretion of the Board.

Unfinished Business:

Practice of Fire Protection

The Committee reviewed the outstanding questions from the previous meeting in August. As a result of the discussion held during the September 9, 2008 Board meeting, the members briefly discussed each matter and directed staff to respond accordingly.

The meeting adjourned at 4:54 p.m.