

## MEMORANDUM OF UNDERSTANDING

Between

THE OREGON STATE BOARD OF EXAMINERS FOR ENGINEERING AND LAND SURVEYING

And

THE OREGON STATE BOARD OF GEOLOGIST EXAMINERS

1. The Boards recognize that certain aspects of geology and engineering are interrelated and that in certain projects, the discipline of both professions may be required to adequately evaluate the parameters.
2. The Boards also recognize that some individuals, by both their formal training and experience, have become qualified in both geology and engineering, and, according to the standards of both fields, are eligible for registration by either or both.
3. The Boards also recognize that the respective definitions in statute of Engineering, Engineering Geology, and Geology provide for areas of common practice involving the two professions.
4. The Boards acknowledge that an individual who is principally either a geologist, engineering geologist or an engineer may have acquired knowledge, training and experience in aspects of the other field.
5. Both Boards acknowledge that such qualified individuals, acting within their statutory responsibilities, should not be restricted from activities in the secondary field which are incidental to their primary field of professional practice. Registrants will be guided and constrained by their respective Board's Code of Professional Conduct [Code of Ethics] and relevant legal interpretations provided by appropriate counsel.
6. When inquiries or investigations in areas of common practice involving engineering and geology are raised, the respective Boards will support a collaborative process outlined herein to develop mutually acceptable solutions which focus on the public good, and allow the Boards to focus on their core interests. Toward this end, the Boards shall establish a Joint Compliance Committee generally composed of two members by each Board and of which, at least one is from each Board. The committee shall meet semi-annually at a minimum to discuss issues of common concern and may meet more often given the provisions of section 9.
7. Consideration of complaints or enforcement actions in areas of common practice involving geology and engineering may raise questions that cannot be reasonably and properly resolved by routine administration of the registration laws by the respective Boards. Insofar as is practical given the procedures of the respective Boards and staffs, the Joint Compliance Committee shall assess cases and recommend a preferred course of action for the Boards and staff.
8. Both Boards acknowledge that primary enforcement action against a registrant shall be the responsibility of a Lead Board, which shall typically be the Board holding the registration of the respondent.
9. Investigation of complaints and contemplation of enforcement actions on an individual or registrant in areas of common practice, or upon reasonable request by the registrant the following procedure shall be followed:
  - a) Recipient Board<sup>1</sup> will notify the Joint Compliance Committee and the other board in writing within 30 days of receipt of a complaint by the recipient Board. The recipient board should recommend which board should be designated as Lead Board<sup>2</sup> for possible enforcement action;

- b) The Joint Compliance Committee will investigate the complaint or inquiry, and may request additional information, such as work examples, experience, qualifications and background information from the respondent<sup>3</sup> through the Recipient Board.
- c) The Joint Committee will provide a written recommended resolution to both Boards within 90 days;
- d) If the Joint Committee is unable to provide a written recommended action, or if either of the Boards is unable to accept the recommendation, the respective Boards shall work directly to develop a common course of action with a goal of completion within 60 days.
- e) The Lead Board (being the best positioned) will interpret ethics, evaluate qualifications and enact disciplinary action. (If the individual is a registrant of both Boards or of neither Board, the Boards will work collaboratively to take a unified set of actions.)
- f) If the two Boards are unable to develop a mutually acceptable course of action, a third party acceptable to both Boards [mediator or facilitator] may be invited to assist the Boards in the development of an acceptable resolution. A resolution will be developed within timeframe goal of 60 days.
- g) If a resolution is not achieved through this effort, legal counsel will be consulted formally to help develop a proper course of action.

<sup>1</sup> Recipient Board is the Board initially receiving the complaint.

<sup>2</sup> Lead Board is the designated enforcement Board which shall typically be the Board holding the registration of the respondent.

<sup>3</sup> Respondent is a registered or unregistered person against whom a complaint has been filed.

Approved at the November 13, 2001 Board Meeting of Examiners for Engineering and Land Surveying. On behalf of the Board the signature of the Board President and seal of the Board are affixed.

\_\_\_\_\_  
Joel Smith, PE, OSBEELS President

December 12, 2001  
Date

Approved at the September 18, 2001 Board Meeting of Geologist Examiners. On behalf of the Board the signature of the Board Chairperson and the seal of the Board below are affixed.

\_\_\_\_\_  
William N. Orr, RG, OSBGE Chairperson

December 3, 2001  
Date