

MEETING MINUTES
OREGON STATE BOARD OF GEOLOGIST EXAMINERS
March 9, 2006

The meeting was preceded by a Work Session. Members of the Board greeted two new Board Members, Chris Humphrey and Steve Taylor.

- At 9:00 AM, Assistant Attorney General Lori Lindley presented information about the Contested Case Hearing process. The Board learned about the hearing process and the Administrative Law Judge's responsibility in presiding over compliance hearings.
- Following the presentation, *McConnell* guided the Board through the DOGAMI correspondence dated November 14, 2005. The document discussed the Coastal Processes and Hazards Working Group meeting held November 3, 2005, and the need to provide assistance to City Planners who interact with licensed professionals. The roles of professionals were discussed. Grant funds are available to help with coastal issues. The Board agreed to revisit this issue at the June work session and develop some concrete ideas for cities and counties. *Peterson* will research his files to locate referenced documents used in development of the Salem ordinance, a graduated response ordinance developed in late 1999.
- The Board then discussed possible Legislative Concepts to consider for the 2007 session.
- At 11:45 AM, the Board greeted former Board Members David Michael, William Orr and introduced Jane Feinberg, former Board Member and current volunteer webmaster and newsletter editor. Kyle Martin, newly assigned Assistant Attorney General (AAG) was also introduced to the Board. Feinberg was presented with a gift and an appreciation plaque in recognition of her ongoing volunteer service since 1999. Feinberg recently championed the migration of the Board's web page to the State of Oregon web site.
- During lunch, the Board honored Christine Chute, AAG, with a gift and a plaque for her six years of assignment to the Board stating the Board "will surely miss your energy, enthusiasm, & wisdom".
- Board Member *McConnell* departed for a scheduled meeting in Portland.

Members Present

Christopher Humphrey, RG, CEG
Allen Morris, Public Member
Gary Peterson, RG, CEG Board Chair
Steve Taylor, PhD., RG
Eileen Webb, RG, Vice Chair

Members Absent, Excused

Vicki McConnell, Ph.D., RG, State Geologist

Staff Present:

Susanna Knight, Administrator

The meeting was called to order at 1:00 PM by Peterson.

- I.** *Webb* moved to approve the agenda as presented. Seconded and passed. *Humphrey*, yes; *Morris*, yes; *Taylor*, yes; *Webb*, yes.
- II.** *Webb* moved to approve the minutes of the November 11, 2005 meeting. *Seconded and passed.* *Morris*, yes; *Peterson*, yes; *Webb*, yes. [Humphrey and Taylor abstained as this is their first meeting.

III. ANNOUNCEMENTS:

A. The Board established the following dates for 2006 Board Meetings: Friday, June 2, 2006; Thursday, September 14, 2006; and Friday, December 1, 2006. The summer social picnic with current and former Board Members was set for Saturday, July 22, 2006. Host Bill Orr suggested that current Board volunteers also be included in this event.

B. *Peterson* extended a welcome to Chris Humphrey and Steve Taylor who have now replaced David Michael and William Orr as Board members. *Peterson* stated that membership is an interesting journey in the law and encouraged the new Board members to participate at the national level. *Webb* offered that the learning curve takes about two years. *Humphrey and Taylor* indicated that they met with the Administrator for an orientation on January 5, 2006.

C. *Knight* announced that *McConnell and Taylor* will be participating in the Council of Examiners (COE) to be held in Houston, Texas on April 7 and 8, 2006. *McConnell* will serve as delegate to the national ASBOG meeting to be held in Salt Lake City, Utah in November 4, 2006 and both she and *Taylor* will participate in the COE on November 1 and 2, 2006.

IV. REPORTS

A. Office Report

1. *Knight* distributed a Summary of Staff Activities (**AR2006-01**) covering the time since the November 11, 2005 Board meeting and discussed the format of the report for the benefit of the new Board members. *Knight* stated that Board members are needed to assist in writing articles for future newsletters that would be of interest to City Planners and County Commissioners.

2. *Knight* distributed an EXPENSE & REVENUE report for the biennium to date revealing that Revenues are ahead of Expenses by \$13,000.00 through the first eight months. *Knight* also distributed a Balance Sheet which provided the Board with information about the purchase of three \$20,000 Certificate of Deposits (CD) in order to bring a higher interest rate to current Board funds.

B. Committee Reports

1. **CEG Examination Committee:** *Humphrey* reported that he attended a joint Oregon/Washington meeting in Vancouver, Washington on February 21, 2006, to discuss a possible joint contract for a CEG Task Analysis. Also in attendance were David Michael, CEG (former Oregon Board member); Susanna Knight, Oregon Board Administrator; Ken Neal, CEG, Washington Board; Joe Vincent, Washington Board Administrator; and Public Member, Washington Board. Following a lengthy discussion, the group concurred that the Task Analysis needs to be conducted and should be budgeted by Oregon in the 2007-09 biennium so the project can begin in July 2007. Michael volunteered to take the lead in working with Oregon Board staff and the LXR Program. *Peterson* also reported that four candidates sat for the CEG examination last Friday, March 3, 2006.

2. **CEG Guideline Committee:** *Peterson* stated that the coastal components need to be addressed in the current guideline but that the committee has not been convened to address this issue. *Humphrey* inquired as to how guidelines developed by the Board are utilized and what happens if someone goes beyond the guidelines? He also asked if there will be a coastal subset of the CEG Guidelines. *Webb* stated that guidelines are designed to provide information about the practice. *Taylor* inquired as to where geophysicist fit. *Peterson* stated that they are registered as geologists so the Board does not track them as a specialty license.

3. **Compliance Committee:** *Morris* distributed an update of the status of current compliance cases and reported that the revocation hearing for CC#03-03-002 and CC#04-07-004 is scheduled for May 24 and 25, 2006. Those cases covered at the Joint Compliance Committee (JCC) and shaded in the report will be reported on during the JCC Report. *Morris* stated that a new complaint CC#06-02-005 was peer reviewed and *Peterson* served as the technical reviewer for the Board. *Morris*

moved that staff work with the Assistant Attorney General to develop a Notice of Intent to issue a civil penalty for the public practice of geology without registration. *Seconded and passed. Humphrey, yes; Morris, yes; Peterson, yes; Taylor, yes; Webb, yes.*

4. **Geology Reports Guideline Committee:** *Webb* reported that the committee is now established.

5. **Legislative Issues:** *Peterson* reported that in her absence, *McConnell* asked that the Board be reminded that Legislative Concepts for the 2007 Legislative Session are due to be submitted by April 3, 2006.

a. *Peterson* directed the Board to ORS 672.665, the statute dealing with complaint cases. Members agreed that revisions are appropriate for more clearly defining the complaint process; removing redundant language; and removing the requirement that complaints be “sworn to”. *Taylor* moved that ORS 672.665 be revised and a legislative concept prepared with the following language: Any person may file a written complaint with the administrator of the State Board of Geologist Examiners against anyone publicly practicing geology in Oregon. *Seconded. Peterson* stated that this language change simplifies the statute as it now deals with the subject of a complaint. *Motion passed. Humphrey, yes; Morris, yes; Peterson, yes; Taylor, yes; Webb, yes.*

b. The Board then discussed the addition of probation to ORS 672.675. *Taylor* offered that based on the morning presentation on contested cases, probation can be part of a reprimand. *Peterson* suggested that cleanup of this statute should be considered while we are dealing with the complaint statute. *Webb* moved to submit a Legislative Concept for ORS 672.675 such that the current (1) is removed; current (2) becomes (1); current (3) becomes (2) and current (4) become (3) with the replacement of “commission of any unlawful act as set forth in” by “violation of any provision of” ORS 672.505 to 672.705 “or any rule adopted thereunder.” *Seconded and passed. Humphrey, yes; Morris, yes; Peterson, yes; Taylor, yes; Webb, yes*

c. *Taylor* questioned the low civil penalty fine and asked if this is the time to increase this fine. The Board agreed that the level of this penalty reflects the era of the original statute, 1978. *Webb* moved to change ORS 672.690(1) such that the amount for each offense becomes not more than \$5000.00 and that the statutory reference in (2) be corrected, tentatively identified as ORS 183.745. *Seconded and passed. Humphrey, yes; Morris, yes; Peterson, yes; Taylor, yes; Webb, yes.*

6. **MOU Joint Compliance Committee (JCC):** *Peterson* reported that meeting minutes of the January 31, 2006 JCC are being distributed. OSBEELS has two new Board representatives to this committee, Sue Laslow, PE and John Seward, PE. David Michael served as the second member representing OSBGE. *Peterson* stated that the meeting was very fruitful and he is very encouraged about this process.

a. *Peterson* recommended that two new cases against CEGs be opened based on the JCC discussion. *Webb* moved that two cases, CC#06-01-001 and CC#06-01-002, be opened; that each registrant meet with the Compliance Committee; and that each case be closed with a Letter of Concern in reference to the JCC Meeting Minutes of 1/31/2006. *Seconded and passed. Humphrey, yes; Morris, yes; Peterson, yes; Taylor, yes; Webb, yes.*

b. *Peterson* recommended that CC#04-02-003 be dismissed. *Webb* moved to dismiss CC#04-02-003 per the JCC meeting minutes of 1/31/2006. *Seconded. Humphrey* recused himself. *Passed. Morris, yes; Peterson, yes; Taylor, yes; Webb, yes.*

c. *Peterson* submitted a new complaint just received by OSBGE staff, with hydrogeology work completed by a PE. Per the MOU, OSBGE offers this case as a test case for the MOU process. OSBEELS will investigate the concerns outlined in the complaint and OSBGE will assist

if requested.

7. **Outreach Committee:** *Taylor* distributed a report to the Board indicating that he will need an adjustment period to get up to speed as a new Board member, but requested clarification of issues. *Knight* responded that no letter had been issued to the Geoscience programs as discussed in the 11/11/2005 Board meeting. *Webb* stated that both she and *Peterson* have PowerPoint presentations that can be revised for a seminar presentation. *Webb* stated that the geology brochure was not completed, but that she would forward her draft. *Knight* stated that posters about geology careers being in a regulated arena might be hung in the Career Development offices of the universities, not in the science buildings. AOC and LOC will be meeting in November. The Board should devise a strategy for outreach at these meetings. *Taylor* suggested that actual case studies would be in order to demonstrate what the practice of geology “looks like” for including as articles in the newsletter.

8. **Professional Practice Committee:** *Humphrey* reported that he has THE WHITE PAPER in hand, but will reorganize the structure and develop strategy for a main idea. *Knight* is to research the outline information brainstormed some meetings back and forward that to *Humphrey*.

9. **Rules Committee:** *Webb* distributed revisions for some definitions in the Administrative Rules to the Board for their review and asked that Board members be prepared to discuss these suggestions at the June Board meeting.

a. *Taylor* moved to adopt the edits and changes as drafted to OAR 809-030-0025, college coursework requirements. *Seconded and passed. Humphrey, yes; Morris, yes; Peterson, yes; Taylor, yes; Webb, yes.*

b. *Webb* moved to adopt OAR 809-050-0000, Use of Seal, as presented. *Seconded and passed. Humphrey, yes; Morris, yes; Peterson, yes; Taylor, yes; Webb, yes.*

V. CORRESPONDENCE

A. **AC 05 11 367:** *McConnell* discussed this document which has recommendations from the Coastal Processes & Hazards Working Group with the Board during the work session in the morning. The Board agreed develop a response at the June Work Session.

B. **AC 05 12 378:** The Board recognizes that there are issues out there with the implementing of SB 55 as discussed in DOGAMI's response letter.

C. **AC 05 12 391:** OSBEELS provided a response to DOGAMI's letter (AC 05 12 378) indicating that OSBEELS has been advised by their attorney that they cannot add information to Rule that is not authorized in the statute.

D. **AC 05 12 398:** This letter was notifying the Board of an applicants intent to abandon his application as a Registered Geologist in Oregon per the Board's November 11, 2005 decision that the California geophysics' test is not equivalent to the national ASBOG examination.

E. **AC 05 12 399:** DEQ notified the Board that a Registered Geologist has forfeited his DEQ license due to falsifying lab reports presented to DEQ. *Knight* to contact our AAG about the Board's authority when a registration has expired.

F. **AC 05 12 402:**The Board discussed a request to reinstate an RG registration that has expired. Although the Board acknowledges the difficult times faced by the registrant that led to his failure to renew, the Board must enforce the statute and this person registration has now expired. *Webb* moved to deny the request to reinstate the expired registration per OAR 809-015-0015. *Seconded and passed. Humphrey, yes; Morris, yes; Peterson, yes; Taylor, yes; Webb, yes.*

G. **AC 06 02 056:** The Board discussed the applicant's appeal not to forfeiture the examination payment. The Board empathizes with the issues surrounding the candidates decision to withdraw from the March 3, 2006 ASBOG examinations, but must enforce OAR 809-040-0030

which does not allow refunds after the deadline. *Humphrey* moved to decline the request for refund. *Seconded and passed. Humphrey, yes; Morris, yes; Peterson, yes; Taylor, yes; Webb, yes.*

VI. NEW BUSINESS

A. *Webb* stated that the applicant passed the ASBOG practice section and passed an additional eight-hour examination for Idaho registration. The public is protected by the licensing examinations passed by this applicant. *Webb* moved to issue a registration to Dale Kerner as a geologist by cooperation with Idaho. *Second and passed. Humphrey, yes; Morris, yes; Peterson, yes; Taylor, yes; Webb, yes.*

B. *Taylor* distributed a document on Steam Restoration. Due to the late hour, *Peterson* tabled the discussion to the June Board meeting.

VII. ITEMS FOR BOARD ACTION

A. *Webb* moved to approve CEG by Cooperative Registration for Adams and Godwin based on passing the California CEG examination. *Seconded and passed. Humphrey, yes; Morris, yes; Peterson, yes; Taylor, yes; Webb, yes.*

1. Wayne C. Adams, G2107

2. William Godwin, G1851

B. OAR 809-050-0000, Facsimile of Stamp: See the Rule Committee report.

C. *Webb* moved that the Oregon Board support the document prepared by Thomas J. Crawford and presented at the national ASBOG meeting titled THE ASBOG FUNDAMENTALS EXAMINATION. *Seconded and passed. Humphrey, yes; Morris, yes; Peterson, yes; Taylor, yes; Webb, yes.* Staff will write a letter to Mr. Crawford and cc that letter to the ASBOG office.

D. *Webb* moved to approve check log #2292 to #2361 as presented. *Seconded and passed. Humphrey, yes; Morris, yes; Peterson, yes; Taylor, yes; Webb, yes.*

VIII. PUBLIC COMMENT: No public was present.

Peterson adjourned the meeting at 4:35 PM.

Respectfully submitted,

Susanna R. Knight
Administrator

Minutes of the March 9, 2006 Board Meeting were approved as presented at the September 14, 2006 Board Meeting.

Susanna R. Knight, Administrator