



Oregon Geologist Examiner

March 2000

Official Publication of the Oregon State Board of Geologist Examiners

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Next Board Meeting:

April 2, 2000
10:00 A.M.

Silver Falls
Conference Center,
Upper Smith Creek
Meeting Hall
Sublimity, Oregon

Board Signs Stipulated Final Order

In a Special Meeting of the Board held March 6, 2000, the Board authorized closing a case that began two years ago. The Board completed negotiations through the Attorney General's office with Roger Norman Smith, E838. The Stipulated Final Order allows Smith a window of 90 days in which to complete an ethics course. His Professional Geologist registration will be suspended for failure to provide verification of course completion within that window. Smith also resigns as a Certified Engineering Geologist. His CEG may be reinstated upon successfully passing the Board examination.

BEFORE THE BOARD OF GEOLOGIST EXAMINERS STATE OF OREGON

In the Matter of the License to Practice as Registered Professional Geologist and a Certified Engineering Geologist of:

ROGER NORMAN SMITH, RPG, CEG.
Case No. 98-03
STIPULATED FINAL ORDER

By Notice dated July 19, 1999, the Oregon Board of Geologist Examiners (Board) issued a Notice of Intent to take disciplinary action against Roger Norman Smith (Licensee). By letter dated August 3, 1999, Licensee requested a hearing on this matter. This Stipulated Final Order constitutes the final resolution of this contested case proceeding, including the right to any appeal therefrom.

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Continuing Education: Where Are We Going?

Is there a place for continuing education in the Geology profession? On numerous occasions in recent years, this question has been raised. Most recently, the question was raised in a Rules and Regulations Committee Meeting. Prior to that meeting, the Board itself addressed this question. At the October 8, 1999, Board Meeting, in response to correspondence directed to the Board, the Board suggested an article in the newsletter poll registrants on the Continuing Education issue.

You may email your response to the following questions [osbge@open.org]:

- 1) Do we need continuing education?
- 2) Should the Board look into such a requirement?
- 3) Is it enhancing public safety by requiring continuing professional development?
- 4) Are you currently participating in continuing education?
- 5) If yes, what type have you completed?
- 6) If no, is there some type of continuing education that might interest you?

Results of this informal poll will be summarized, discussed by the Board, and shared via this newsletter.

Knight Notes

How quickly another quarter has passed! Hardly seems possible that it is time to get another newsletter out to all of you!

Compliance is a big responsibility of the Board, and this newsletter is placing emphasis on Compliance. The text of the *Code of Professional Conduct* taken from the Administrative Rules has been printed for your review.

The Compliance arm of the Board is driven by two forces: the public *and* the profession. Please note OAR 809 Division 20 809-020-0006(7) which states, "If a geologist has knowledge or reasonable cause to believe another person or geologist is in violation of the registration law, the geologist shall present such information to the Board in writing." Of the three cases recently closed by the Board, two cases were initiated by the public and one by a registrant. Of the seven additional cases currently under review by the Board, all were initiated by registrants. The profession becomes stronger when the members are proactive.

I would also like to report that geology legislation in Washington State is making progress. It passed on both Senate and House votes. Maybe this will be the year that Washington will add Geologist Registration! Bill information is available at :

http://www.leg.wa.gov/pub/billinfo/1999-00/senate/6450-6474/6455-s_e_02142000.

Susanna R. Knight
Administrator



Oregon 2-Hour Exam Results Released

An examination of each applicant's knowledge of Oregon Geology is finally off the ground. Whether applying for registration by examination or by cooperative licensing, every applicant must now pass the two hour essay examination to become registered in this state.

The second sitting of the Oregon Specific Examination was held December 10, 1999, in Portland. Six candidates completed the test. The pass rate was 66%.

This examination is given four times a year! The next scheduled exam is March 17, 2000, at 6:00 PM here in Salem. Postmark cutoff date for the June 9, 2000, examination is May 12, 2000.

Board Signs Final Order

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STIPULATIONS

1. By Notice dated July 19, 1999, the Board issued a "Notice of Proposed Disciplinary Action and Opportunity for Hearing" to Licensee (Notice). The Notice contains the following allegations against Licensee:

- 1) Violations of ORS 672.675 (4) and OAR 809-050-0030 which require registration for public testimony (practicing on a lapsed license when giving public testimony on September 24, 1997, at a Marion County Public Hearing);
- 2) Violations of ORS 672.675 (2) & (4); OAR 809-020-0006 (5); and 809-020-0030 (3) & (6): misrepresenting professional credentials (identifying yourself as a consulting geological engineer during the Merrill Sub 96-17 - Planning Commission Meeting, Oct. 15, 1996, in Marion County); and
- 3) Violation of OAR 672.675 (2) negligence, gross negligence, incompetence or misconduct in the practice of geology in regards to geologic work performed on the South Ridge subdivision which include but are not limited to the following:
 - a) distorting facts when presenting information to the Planning Commission of Marion County on October 15, 1996;
 - b) failing to procure original on-site technical data to validate conclusions regarding slope stability at the subdivision;
 - c) inconsistency in statements regarding soils and septicage disposal at the subdivision; and
 - d) misrepresenting information regarding groundwater requirements.

2. By letter dated August 3, 1999, Licensee requested a hearing on this matter.

3. Pursuant to ORS 183.415(5)(b) and OAR 809-050-0040(2), to avoid further proceedings on this matter, the parties have agreed to enter into this Stipulated Final Order (SFO).

4. In entering into this SFO, the parties agree that neither party has had an opportunity to present proof regarding the allegations contained in the Notice.

5. The parties agree that this SFO does not require any admission on the part of Licensee, and Licensee does not admit the allegations of the Notice; However, solely for purposes of this proceeding the Board may treat the allegations of the Notice as uncontested.

6. The parties agree that no part of these proceedings with the Board are intended to have any effect in any other proceeding, including any civil proceeding.

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DIVISION 20 CODE OF PROFESSIONAL CONDUCT

809-020-0001

Goals

- (1) A geologist shall be guided by the highest standards of ethics, honesty, integrity, fairness, personal honor, and professional conduct.
- (2) To the fullest extent possible, a geologist shall protect the public health and welfare and property in carrying out professional duties.

Stat. Auth.: ORS 672
Stats. Implemented:
Hist: GE 4-1984, f. & ef. 12-18-84

809-020-0006

Responsibility to Profession

- (1) A geologist shall undertake professional service or render expert opinion only when qualified by training or experience in the technical areas involved.
- (2) When serving as an expert or technical witness before a court, commission, or other tribunal, a geologist shall express only those opinions founded upon adequate professional knowledge of the matters at issue.
- (3) A geologist shall sign and seal only professional work, including, but not limited to, maps and report for which the geologist has direct professional knowledge, and for which the geologist intends to be responsible for its accuracy and adequacy.
- (4) A geologist shall not take credit for work conducted by others. When using the results of other geologists' work in the performance of the practice of geology, a geologist shall give due credit to the other geologists by citation or acknowledgment. Work of other geologists which is proprietary, or was not intended to be made generally available, shall not be used without the permission of the other geologist.
- (5) A geologist shall not knowingly make false statements or misrepresentations, or permit the publication or use of the geologist's name or work in association with any fraudulent activities.
- (6) A geologist shall make full disclosure to all parties concerned of any conflict of interest in projects or properties on which the geologist performs work.
- (7) If a geologist has knowledge or reasonable cause to believe another person or geologist is in violation of the registration law, ORS Chapter 672, or the related administrative rules, the geologist shall present such information to the Oregon Board of Geologist Examiners, in writing.
- (8) If a geologist's professional judgment is overruled or not adhered to under circumstances where the geologist has rea-

sonable cause to believe there is a clear and present threat to the public health or welfare or property, the geologist shall immediately notify the client/employer. If the client/employer does not take appropriate action within a reasonable amount of time under the circumstances, the geologist shall notify in writing the agency of local government having jurisdiction, or in the case of state/federal property the state/federal agency having land management responsibility, and the Board of the nature of the public threat.

Stat. Auth.: ORS 672
Stats. Implemented:
Hist: GE 4-1984, f. & ef. 12-18-84

809-020-0011

Responsibility to Employer

- (1) A geologist shall avoid conflict of interest with a client/employer and shall disclose the circumstances to the client/employer if a conflict is unavoidable.
- (2) A geologist shall not, during the time of the geologist's retention or employment by a client/employer, use information developed for, or the resources of, said client/employer for private gain or in any other manner that may conflict with the client/employer's interest without the knowledge and consent of the client/employer, except as specified in OAR 809-020-0006(8) Responsibility to Profession. In the case of a former client/employer, a geologist shall honor agreements with that former client/employer with regard to proprietary information, except as specified by OAR 809-020-0006(8).
- (3) A geologist shall either engage or advise a client/employer to engage other experts or specialists if the client/employer's interests are best served by such service.
- (4) A geologist shall give due notice of withdrawal of service from a client/employer. Due notice shall be either 30 days or a time mutually agreed to by the geologist and the client/employer, whichever is less. However, a geologist may withdraw from service without due notice if:
 - (a) The geologist fails to receive compensation, or has reasonable cause to believe that compensation for services performed will not be received;
 - (b) The geologist knows, or has reasonable cause to believe, that continued employment will result in a violation of this Code, ORS Chapter 672, the related administrative rules, or will otherwise be illegal;
 - (c) The geologist knows, or has reasonable cause to believe, that the client/employer is involved in illegal or fraudulent practices, or practices dangerous to the public health, and welfare and property;

(d) The geologist knows, or has reasonable cause to believe, that continued employment will result in sickness or injury to the geologist or the geologist's dependents.

(5) A geologist shall not accept compensation concurrently from more than one client/employer on a project, unless the circumstances of payment are fully disclosed and agreed to by all financially interested parties.

Stat. Auth.: ORS 672
Stats. Implemented:
Hist: GE 4-1984, f. & ef. 12-18-84

809-020-0025

Responsibility to the Board

(1) A geologist, when requested by the Board, shall respond to communications from the Board within 30 days of the date of receipt of mailing by registered or certified mail.

(2) A geologist, when requested by the Board, shall present information and assistance to the Board in pursuing violations of laws and rules relating to the practice of geology in the State of Oregon. A geologist shall not dismiss from his employment, or take any other sanction against another geologist because of the other geologist's compliance with this, or any other subsection, of the Code of Professional Conduct, ORS Chapter 672, or the related administrative rules.

Stat. Auth.: ORS 672
Stats. Implemented:
Hist: GE 3(Temp), f. & ef. 12-14-77; GE 1-1978,
f. & ef. 3-9-78; GE 4-1984, f. & ef. 12-18-84

809-020-0030

Misconduct

Violation of the Code of Professional Conduct is misconduct. In addition, the following specific actions are considered to be, but not limited to, misconduct for which the geologist may be disciplined:

- (1) Signing or stamping work which was not prepared under the direct supervision or control of the geologist;
- (2) Offering or accepting gifts (other than those of nominal value, such as entertainment or hospitality), with the intent of influencing the judgment of a client, prospective client or government official, or the geologist in connection with a project, or employment, in which the geologist is to be retained or has a financial interest;
- (3) Engaging in professional conduct involving fraud, deceit, or violation of federal or state statute or rule regulating the practice of geology;
- (4) Practicing geology while the geologist's ability to practice was impaired by alcohol or other drugs;
- (5) Engaging in false, misleading or deceptive advertising;
- (6) Making a substantial misrepresentation relating to the public practice of geology.

Stat. Auth.: ORS 672
Stats. Implemented:
Hist: GE 4-1984, f. & ef. 12-18-84



Recent Rule Changes

OAR Chapter 809

809-001-0005: Model Rules of Procedure

The Attorney General's Model Rules of Procedure under the Administrative Procedures Act, in effect on September 15, 1997, are hereby adopted as the rules of procedure for the State Board of Geologist Examiners.

Stat. Auth.: ORS 183.341 & ORS 670.310
Stats. Implemented: ORS 183.341 & ORS 183.355

809-003-0000: Definitions

“Official Transcript” - Transcript certified by the school and received under seal.

“Negligence” – failure by a licensee to exercise the care, skill, and diligence demonstrated by Professional Geologists under similar circumstances in the community in which the licensee practices.

Stat. Auth.: ORS 183, ORS 192 & ORS 672

809-040-0001: Applications to take examinations must be postmarked on or before July 1 for the fall exam date or January 4 for the spring exam date.

Stat. Auth.: ORS 183, ORS 192 & ORS 672

809-015-0005: Nonrestoration

- (1) After five years' lapse, a registration expires.
- (2) The registrant must apply as a new applicant and pass exams or apply by reciprocity if eligible.
- (3) When the certificate number of a registrant expires, upon reapplication and/or passing the examination, the original certificate number shall not be reinstated.

Stat. Auth.: ORS 183, ORS 192 & ORS 672

809-015-0015: Geologist-in-Training

Geologist-in-training registration will be issued on a year-to-year basis or until the registrant becomes a Registered Professional Geologist.

Stat. Auth.: ORS 183, ORS 192 & ORS 672

Board Signs Final Order

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STIPULATED ORDER

Based on the above, the Board orders the following:

1. Licensee shall receive a reprimand.
2. Licensee shall pay a civil penalty in the amount of \$1,500.
3. Licensee shall provide the Board with written verification that he has completed a course in engineering ethics acceptable to the Board. Should such written verification not be received by the Board within Ninety (90) days from the date of this Order, then Licensee's license to practice as a Registered Professional Geologist will be suspended until such time as he provides the Board with such written verification.
4. Pursuant to an Agreement between Licensee and the Board, Licensee resigns as a Certified Engineering Geologist and Surrenders his certificate. Such resignation and surrender does not prejudice Licensee's right to take the Engineering Geologist Specialty examination and to be re-certified in that specialty should Licensee successfully pass the examination.

IT IS SO ORDERED this 6th day of March, 2000.

BOARD OF GEOLOGIST EXAMINERS

Welcome to New Registrants

The following individuals, having recently passed all examination requirements, are now *Registered Professional Geologists*:

Linda A. Drake, G1884, Issued 11/16/1999
Troy A. Harding, G1690, Issued 1/5/2000
Laura C. Maffei, G1895, Issued 1/5/2000
John R. Montgomery, G1896, Issued 1/5/2000
Carl T. Nadler, G1891, Issued 11/16/1999
James D. Schick, G1860, Issued 1/5/2000

The following individuals have acquired registration as a *Geologist-in-Training*:

Brooke K. Fiedorowicz, T1885, Issued 11/16/1999
Dale E. Groff, T1886, Issued 11/16/1999
Brian Haug, T1887, Issued 11/16/1999
Rafiqul A. Khandoker, T1888, Issued 11/16/1999
Thomas D. Leavitt, T1889, Issued 11/16/1999
Chad T. McMullin, T1890, Issued 11/16/1999
Dennis R. Orlowski, T1892, Issued 11/16/1999
Timothy J. Richter, T1893, Issued 11/16/1999
Peter J. Wampler, T1894, Issued 11/16/1999

Congratulations to all the new registrants who have successfully passed Board examinations!

Lapsed Licenses for 1999

The following registrants currently have a lapsed license. They failed to renew during the months of October, November, and December of 1999.

If your name is listed below and you *sent your renewal fee*, please contact the Board office. If there is an error, we need your assistance to correct it.

Engineering Geologists:

Bliton, William S; **Deming**, Michael R.; **Dow**, Gary L; **Edwards**, John E; **Gano**, Daniel B; **Hart**, Ronald D; **Henderson**, Bruce W; **Holland**, Jasper L; **Huttrer**, Gerald W; **Jones**, Dave; **Jones**, Robert C; **Keech**, Clarence E; **Lee**, Gaylon K; **McCann**, Lauren B; **McKee**, John S; **Minch**, Henry L; **Morlanm**, Lynn E; **Mote**, Peter A; **Munson**, William R; **Nagel**, Arthur S; **Parker**, Elliott; **Pavlak**, Lawrence D; **Pilling**, John M; **Purcell**, Bruce G; **Ruggiero**, John G; **Schmid**, Henry E; **Seward**, Allan E; **Staab**, Douglas C; **Staples**, Lloyd W; **Sveter**, Owen D; **Swift**, Charles A; **Tary**, Alexander; **Todd**, William C; **Waldron**, Hoard H; **West**, Robert H; **Wickboldt**, Walter C; **Winegar**, Robert C.

Professional Geologists:

Bartley, Ronald C; **Battams**, Louanna; **Baumgras**, Lynne M; **Bestland**, Erick A; **Buder**, Ronald K; **Burgel**, William D; **Chandler**, Richard E; **Cheeseman**, Raymond J; **Ciancaneli**, Eugene V; **Cline**, Charles S; **Coates**, Anna L; **Crafts**, Frederick S; **Craig**, Davis L; **Divis**, Allan F; **Doler**, Robert Earl; **Echols**, Thomas J; **Faulk**, Derek G; **Gemperle**, Michael; **Graf**, Rick G; **Gudemann**, Horst J; **Hite**, John B; **Holliday**, Joseph W; **Holmes**, David A; **Hounslow**, Arthur W; **James**, HL; **Jenkins**, Michael E; **Johnson**, Dale A; **Jones**, Richard L; **Kelly**, Jack E; **Kenly JR**, Robert G; **King**, John F; **Kirkpatrick**, Glen E; **Knight**, Scott L; **Ledgertwood**, Rodney K; **Lee**, L Courtland; **Leonard**, Alvin R; **Lindahl**, David C; **Mack**, Gregory S; **McCarthy**, Michael E; **McLucas**, Glennda B; **Melik**, James C; **Meyer**, Harry J; **Mohorich**, Leroy M; **Moore**, Richard F; **Mortiz**, Harold W; **O'Brien**, Michael J; **O'Connell**, Erin K; **Pavlik**, John D; **Price**, William H; **Pringle**, Patrick T; **Rhea**, Keith P; **Rimal**, Durga N; **Sauvola**, Michael R; **Sharp**, John VA; **Sinclair**, David E; **Slater**, C Linda; **Thornburg**, Todd M; **Tuchek**, Ernest T; **Venchiarutti**, Daniel A; **Verwiell**, Mark S; **Webb**, Eileen L; **White**, Christine B; **White**, Richard E; **Zahner**, Thomas E.

Oregon State Board of Geologist Examiners

707 13th Street SE, Suite 275
Salem, OR 97301



Geologist-in-Training Search

A number of the previously published missing addresses were for *Geologist in Training* registrants. Prior to last October's Rule Change, these registrants were not monitored. As they made personal or professional moves, no such address changes were registered with this office as is required of professional registrants. Therefore, we currently have a large group of GITs with a lapsed registration. The Board is anxious to locate them to inform them of the many changes of the last year, including the requirements of GITs! If you can assist in locating any of the following registrants, *please contact the Board office*.

Bach, Jeffrey J; **Booker**, Nathan H; **Braibish**, Thomas E; **Dilbert**, Clifford A; **Dolan**, David W; **Dorion**, Kristel A; **Jenson**, John W; **Jones**, Jeffrey A; **Landeche**, Lori M; **Mortyn**, PG; **Neff**, William H; **Orzol**, Leonard L; **Richardson**, Dean E.

Calendar of Upcoming Events

- | | |
|----------------|--|
| April 1 and 2: | Board Retreat, Silver Creek Falls Conference Center
Sublimity, Oregon |
| April 2: | Board Meeting; 10:AM; Silver Creek Falls Conference Center, Sublimity |
| May 12: | Postmark Deadline for Oregon 2-Hour Exam |
| June 2000: | Board Meeting
(Date, Time, and Location TBA) |
| June 9 | Oregon-Specific 2-Hour Exam, Salem |
| July 1 | Exam Application Cut-off Date |
| September 15 | ASBOG National Exam, Salem
8:00 AM to 5:00 PM |
| September 15 | Oregon Specific Geology 2-Hour Exam, Salem, 6:00 PM to 8:00 PM |