



Oregon

State Board of Examiners for
Engineering & Land Surveying
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Minutes of Meeting
September 11, 2012

CALL TO ORDER

President Linscheid called the meeting to order at 9:00 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, Oregon 97301. A moment of silence was observed in remembrance of 9/11/2001.

Members Present:

Dan Linscheid
Steven Burger
James Doane
Sue Frey
Ken Hoffine
Sue Newstetter
Carl Tappert
Amin Wahab

Others Present:

Mari Lopez, OSBEELS Executive Secretary
Jenn Gilbert, OSBEELS Executive Assistant
JR Wilkinson, OSBEELS Investigator
Allen McCartt, OSBEELS Investigator
Katharine Lozano, Assistant Attorney General
Joanna Tucker-Davis, Assistant Attorney General
Marv Pyles, PE
Matthew Cash, PE

APPROVAL OF AGENDA

It was moved and seconded (Tappert/Newstetter) to approve the agenda as presented. The motion passed unanimously.

APPROVAL OF MINUTES

It was moved and seconded (Doane/Tappert) to approve the minutes of the May 8, 2012 Board Meeting as amended. The motion passed.

PUBLIC INPUT

There was no public input for matters not on the agenda.

EXECUTIVE SECRETARY'S REPORT

Committee Activities

Ms. Lopez reported that the Examinations and Qualifications (E&Q) Committee, External Relations Committee (ERC), Finance Committee (FC), Law Enforcement Committee (LEC),

Professional Practices Committee (PPC), and the Rules and Regulations Committee (RRC) each met during the interim. The Committee minutes were included in the packets.

Administrative Activities –

Oregon Specific/National Council of Examiners for Engineering and Surveying (NCEES) Examinations

Ms. Lopez reported that staff is finalizing preparations for the October 2012 examination administration. The NCEES examinations will be held at the Oregon State Fair & Expo Center in Salem, Oregon on October 26 – 27, 2012. The Oregon Specific examinations will be held at both the University of Phoenix and the OSBEELS office. She also provided the approximate number of approved applicants for each examination as follows:

- 197 – Fundamentals of Engineering
- 8 – Fundamentals of Land Surveying
- 168 – Professional Engineering
- 9 – Professional Land Surveying
- 21 – 4-hour Oregon Specific Land Surveying

Equally important, NCEES extended an invitation to the Board to observe the October examination administration. Ms. Lopez mentioned that if the Board selects observers, NCEES must know by Friday, September 21st. President Linscheid stated his interest in observing the Friday examination administration, while Ms. Newstetter and Mr. Burger stated interest in the Saturday examination administration. Staff will notify NCEES accordingly.

Registration

Ms. Lopez briefly reported that staff will mail courtesy reminders in October for the December biennial renewal schedule. Consistently and pursuant to the Oregon Administrative Rule (OAR) 820-010-0505, a late penalty fee of \$80.00 per registration will be assessed for renewals and CPD organizational forms not received by 5:00 p.m., on December 31, 2012.

2012 NCEES Annual Meeting

Ms. Lopez reported that she attended the NCEES Annual meeting in St. Louis, Missouri along with President Linscheid, Sue Newstetter, and Amin Wahab. Of interest to the Board, she reported that the Committee on Law Enforcement brought forward 5 motions for action. All five motions passed and included revisions to the Model Rules of Professional Conduct. The Committee on Uniform Procedures and Legislative Guidelines brought forward 3 motions to include: 1) voluntary surrender of a license in Model Law - Grounds for Disciplinary Action, 2) adopt Engineered Products and Systems into Model Law, 3) amend the practice of engineering definition in Model Law; these motions passed. Upon receipt of the final text to the aforementioned motions, Ms. Lopez will disseminate accordingly for further review by the appropriate committee.

Ms. Lopez went on to report that she also attended the Computer-Based Testing (CBT) Implementation Task Force Workshop. With the implementation of CBT, differences will occur between current and future FE/FLS administrations as shown in the information provide in the Board packets. The FE and FLS also underwent a content review. The results of the review demonstrated the need for seven distinct examinations with core subjects to be tested in each. Therefore, there will no longer be a common morning portion with a discipline-specific

afternoon portion, and certain topics like mathematics, ethics, engineering economics, will be covered on all FE examinations. Ms. Lopez further stated that NCEES developed 4 CBT approval models for Member Boards to choose from and a recommendation by Staff will be presented during the E&Q meeting in October.

Lastly, Ms. Lopez reported that she attended the NCEES Licensure Awareness Project presentation. For this project, NCEES contracted with McKinley Advisors to survey resident USA adults (18 years of age or older) who have participated in civic, religious or political groups within the previous 12 months. The survey was conducted online and fielded for one week in June; 1,000 completed surveys. The goal of the project was to understand public perceptions and current levels of awareness to build support for engineering licensure as a means to ensure public safety. Ms. Lopez concluded that this will be a topic for discussion during the External Relations Committee in October.

ABET Accreditation Visit

It was briefly noted that the ABET Team Chair for the Oregon Institute of Technology (OIT) has extended an invitation to the Board to observe the visit to the Electrical Engineering Program. After a brief discussion, Ms. Lopez will inform the Team Chair of the Board participants: Amin Wahab for the visit to the Wilsonville campus and Carl Tappert for the visit to the Klamath Falls campus if his schedule permits.

Water Right Certification Consideration

Ms. Lopez directed the members' attention to the correspondence from Jonathon Spero and Dawn Phillips, Staff at Representative Dennis Richardson's office, regarding registration as a Certified Water Right Examiner (CWRE). Mr. Spero is requesting consideration be given to remove the last sentence in OAR 820-010-0235 which states, "*Once certified, the water right examiner certificate will remain valid and renewable as long as the individual's registration as a professional engineer land surveyor or registered geologist remains valid.*" Also included in the Board packets was the response from the Water Resources Department (WRD) that informed Mr. Spero and Representative Richardson's office, that the WRD intended that CWREs maintain their license as a registered engineer, land surveyor, or geologist but does not see an implicit requirement in the Water Resources statutes or rules. As a result of the brief discussion, AAG Lozano will conduct further research into the legislative history of the CWRE for additional discussion during the November meeting.

Reassignment of Counsel

Ms. Lopez informed the Board that effective September 1, Katharine Lozano, AAG has been appointed to serve as the Board's primary counsel. Joanna Tucker-Davis, AAG will assume the role of backup counsel to the Board. There was no further discussion.

Board Vacancies

Ms. Lopez welcomed Sue Frey, PE, SE as she was appointed by the Governor to succeed the position held by Grant Davis, PE, SE. Additionally, Eric Stone, RPP was also appointed by the Governor to succeed the position held by George Gross; however, Mr. Stone has informed the Board that he will not be able to serve his term since he and his family will be re-locating to Saudi Arabia. The Governor's Office has yet to fill the other vacant positions; an engineering

position and a public member position.

Oregon Government Ethics Commission

Ms. Lopez informed the Board that she has invited the Commission to provide training during the November Board meeting. Provided in the Board packets is a list of topics that can be covered during the training. After discussion, the Board chose to receive training on all topics. Staff will also attend the training.

HalfMoon Education Inc. – Legal Issues for Oregon Professional Engineers

Ms. Lopez briefly noted that HalfMoon Education Inc. has requested OSBEELS participation during their seminar scheduled for October 4th; JR Wilkinson will represent the Board.

Oregon State University – Chemical, Biological, and Environmental Engineering

Associate Professor Dan Euhus has also requested OSBEELS Staff to discuss the licensing process and the benefits, the importance of licensing as well as the importance of continuing education to the students. Ms. Lopez noted that this discussion is scheduled for October 30th and the Registration Department staff will represent the Board.

Staffing

Ms. Lopez reported that Amanda Sloan is currently on maternity leave. She has rescheduled her return to work date from September 24th to October 1st.

Additionally, the announcement for one full-time Compliance Specialist 2 position has been posted since May 1st. As of this date, 3 applications were submitted. The first round of interviews will be scheduled for September 13th. There were no further comments.

July 2012 Action Items

- *Seek the services of an outside CPA with more governmental auditing experience.*

A draft RFP will be presented to the Finance Committee for review during its October Meeting

- *Draft letter to Marv Pyles for President Linscheid to sign.*

The Board then discussed the Oregon Specific Forest Engineering examination. The discussion pointed to miscommunication as a factor in the issues related to the April 2012 administration. As a result, the Oregon Specific Examination Task Force (OSETF) will meet during the October Committee meetings. The OSETF will better identify the needs of staff and provide clearer guidelines for the Exam Teams to follow. Clear deadlines and expectations will also be discussed for inclusion to the Policy. Sue Newstetter, Sue Frey, and Jim Doane will serve on the OSETF.

PRESIDENT'S REPORT

President Linscheid provided a report in the Board packets. Included in his report was information related to OAR 820-010-0621 – Final Documents. He summarized the work session held with Mark Riggins and Jim Elam, county surveyors, and the OSBEELS Investigators. He explained that the issue is in the fact that there is no statutory authority for county surveyors to accept review copies of plats or surveys that are marked “preliminary” or “for review only.” Draft language will be presented to the RRC for consideration during the October meeting.

EXAMINATIONS AND QUALIFICATIONS COMMITTEE

Mr. Wahab reported that the E&Q Committee met on August 10, 2012, to discuss the matters as contained in the Committee minutes. Additional discussion was held regarding the following matters:

OAR 820-015-0026 – Failure to Comply with Continuing Professional Development Requirements

The Board briefly discussed the audit process and rule, along with the current requirement to submit the CPD Organizational form at the time of renewal. As a result, it was moved and seconded (Newstetter/Tappert) to delegate authority to staff in granting grace periods to registrants compliant with OAR 820-015-0026. The motion passed unanimously.

Purdy Final Order

AAG Tucker-Davis was in attendance to discuss the Proposed Final Order related to the Carl Purdy case.

President Linscheid then took the Board into Executive Session as provided by Oregon Revised Statute (ORS) 192.660(2)(f) to consider information or records that are exempt by law from public inspection (advice provided by AAG Tucker-Davis).

Upon returning to open session, it was noted that no action was taken during Executive Session.

It was moved and seconded (Newstetter/Wahab) to issue an Amended Proposed Order that proposes to deny enrolling Carl Purdy as having passed the April 2011 FE examination. The motion passed unanimously.

After a brief discussion on the process, it was moved and seconded (Tappert/Newstetter) to delegate the authority to President Linschied to sign the Final Order. The motion passed unanimously.

Applications for Registration

Professional Engineer by Comity – Mr. Wahab directed the members' attention to the list of 62 applicants for registration as a professional engineer by comity. It was moved and seconded (Doane/Tappert) to approve the list of 62 professional applicants as presented. The motion passed unanimously.

1st Registration Applications – Mr. Burger directed the members' attention to the 11 applicants seeking 1st registration. It was moved and seconded (Tappert/Newstetter) to approve the 11 applicants as presented. The motion passed unanimously.

EXTERNAL RELATIONS COMMITTEE

Mr. Wahab reported that the ERC met on August 10, 2012, to discuss the matters as contained in the Committee minutes. Additional discussion was held regarding the following matters:

Oregon Examiner

Preparing for “The Big One” - It was moved and seconded (Newstetter/Doane) to approve the article, with the additions and edits discussed, for the next edition of the Oregon Examiner. The motion passed unanimously.

ePermitting - It was moved and seconded (Wahab/Newstetter) to approve the article for the next edition of the Oregon Examiner, as presented. The motion passed unanimously.

Promotional Posters

It was moved and seconded (Wahab/Newstetter) to approve the two poster designs featuring land surveying, as presented. The motion passed unanimously.

FINANCE COMMITTEE

Mr. Tappert reported that the FC met on August 10, 2012, to discuss the matters as contained in the Committee minutes. There was no further discussion.

Review of Financial Reports

Members reviewed the Statement of Net Assets and the Profit & Loss Budget Overview as of June 30, 2012. There was no further discussion.

LAW ENFORCEMENT COMMITTEE

Mr. Tappert reported that the LEC met on August 9, 2012, to discuss the matters as contained in the Committee minutes. Additional discussion was held regarding the following matters:

Informal Conferences

2778 – Douglas G. Knight / OSBEELS

Mr. Tappert reported the Committee met in an informal conference with respondent Douglas G. Knight, PE, and his attorney Martin E. Hansen to discuss a Notice of Intent (NOI) to Revoke Registration and Assess a \$2,000 civil penalty for failing to comply with CPD requirements and for untruthful statements, violating ORS 672.200(4), OAR 820-010-0635(1), OAR 820-015-0026(1), OAR 820-020-0015(7), and OAR 820-020-0025(1). However, when Mr. Knight was requested to participate in the audit of documentation to support the PDH units he claimed as a condition of the last biennial renewal period he was unable to submit supporting documentation for two classes that he certified as taken in 2010. The investigation found that Mr. Knight submitted a certified renewal form and completed CPD Organizational Form with falsified information in order to renew his registration.

Mr. Hansen stated that Mr. Knight understood it was wrong to submit a CPD Organizational Form that listed courses he did not take. Mr. Hansen also stated that a mitigating factor for Mr. Knight was his cooperation. The Committee members agreed that Mr. Knight fabricated the PDH units he reported on his CPD form. However, the parties were unable to reach agreement after debating the terms for a settlement agreement. As a result, the case is to be referred for hearing.

Committee Meeting:

2651 – Michael D. Henry / OSBEELS

Mr. Tappert reported the Committee discussed that the Board received an anonymous complaint

alleging respondent Michael D. Henry, PE and President of HBH Consulting Engineers (HBH), advertised for and offered to perform engineering services from their Medford office without employing an Oregon registered professional engineer. The investigation found that the HBH Web site had offered “engineering and land surveying services” and listed offices in Sherwood and Medford, Oregon, and in Idaho Falls, Idaho. Mr. Tappert stated that HBH had an engineer in the Medford office, but the engineer left. The allegations arose when HBH hired interim engineers that did not work out. Mr. Tappert noted that shortly after the complaint was filed HBH closed the Medford office and removed the listing from their Web site. It was moved and seconded (Tappert/Newstetter) to close the case as allegations unfounded. The motion passed unanimously.

2652 – David A. Nelson / OSBEELS

Mr. Tappert reported the Committee discussed that respondent David A. Nelson submitted a letter to the Board regarding a complaint that was eventually closed as allegations unfounded. However, Mr. Nelson used the title “Information Engineering” in his letterhead title block. As a result, a law enforcement case was opened. The investigation found that Mr. Nelson had an educational background in mathematics, had work experience as an Information Technologist (Computer Programmer), and had used “Information Engineer” to call attention to his background. However, he was not offering to or performing engineering services. Mr. Tappert stated that once Mr. Nelson was notified of the matter, he took immediate action to remove engineering from his letterhead title block and stated that he would not use the engineer title. It was moved and seconded (Tappert/Newstetter) to close the case as compliance met. The motion passed unanimously.

2654 – Habibollah Matin / OSBEELS

Mr. Tappert reported the Committee discussed that the Board received an anonymous complaint alleging Habibollah Matin, PE, was listed on his employer’s Web site as a professional engineer without registration. The investigation found that the company Web site showed Matin as a “senior water resources engineer.” However, his engineering registration was delinquent. The investigation found that at the time of his delinquency Mr. Matin was not practicing engineering because his company responsibilities were moving from engineering towards management. In addition, Mr. Matin’s company was merging with another company at the time and he was on a leave of absence. As a result, Mr. Matin was not aware of the discrepancy, nor did he have control over the company’s Web site. In the meantime, and prior to the case being queued for investigation, Mr. Matin renewed his PE registration. It was moved and seconded (Tappert/Newstetter) to close the case with a letter of concern. The motion passed unanimously.

2658 – Edward Schwarz / Michael Monical

Mr. Tappert reported the Committee discussed that complainant Michael Monical, PE, alleged that respondent Edward Schwarz had engaged in the unlicensed practice of engineering when he signed a ballot argument published in the Clackamas County 2010 General Election Voters’ Pamphlet using the title “engineer.” The investigation found that Mr. Schwarz has an engineering degree. However, he does not practice engineering and was unaware of the prohibition against unlicensed use of the title. Mr. Tappert stated that once Mr. Schwarz was notified of the violation he apologized for his “ignorance” and stated he would not use the title engineer. It was moved and seconded (Tappert/Newstetter) to close the case with a letter of

concern. The motion passed unanimously.

2662 – Robert Walz / OSBEELS

Mr. Tappert reported the Committee discussed that respondent Robert A. Walz, PE, submitted correspondence regarding disciplinary action taken against him by the North Carolina Board of Examiners for Engineers and Surveyors (NC Board). The action resulted from a report for a sunroom attachment to a single family residence in Hillsborough, NC. The NC Board issued a September 2008 Decision and Order wherein they found Mr. Walz produced “a deficient, substandard or inaccurate report, failing to protect the public.” He received a reprimand, was levied a \$5,000 civil penalty, and was required to pass the PDH-40 Ethics course through the Murdough Center.

The investigation found that although Mr. Walz was not present during the installation and did not inspect the installation of roof panels for the NC sunroom, he certified the roof panels were installed per code. As a result, the NC Board took disciplinary action against Mr. Walz. Mr. Tappert stated that Mr. Walz was licensed in other states and as a result of the NC sanction several of those states took reciprocal action. Mr. Walz failed to notify OSBEELS of the additional states’ sanctions and failed to cooperate with investigators regarding this matter.

Mr. Tappert informed that the Committee determined to issue Mr. Walz a Notice of Intent (NOI) to suspend registration until he has cooperated with the investigation and to issue a \$2,000 civil penalty for failing to notify OSBEELS of another licensing agency’s disciplinary action or sanction. However, Mr. McCartt clarified that as staffs were preparing the NOI to suspend additional information was found showing more states had issued suspensions and revocations against Mr. Walz, including several states where their action was not based on the issue presented to the Committee. Due to credible evidence of other states’ actions, the Board should consider changing the NOI sanction to a revocation. Upon further discussion, it was moved and seconded (Tappert/Newstetter) to change the NOI from a suspension and a \$2,000 civil penalty to a revocation and a \$2,000 civil penalty. The motion passed unanimously.

2664 – Alan Kumma / OSBEELS

Mr. Tappert reported the Committee discussed that respondent Alan D. Kumma, PLS, prepared an unsigned survey that was part of packet of documents submitted to the City of Portland for permit review. When Mr. Kumma responded to the allegations, he stated he was unaware that the survey had been provided to his client or to the City of Portland. Mr. Kumma explained that during the time in question he had an inexperienced drafter who submitted the survey with his Washington seal. Mr. Tappert stated that Mr. Kumma has since closed his private office and is now working for the City of Portland. It was moved and seconded (Tappert/Newstetter) to close the case with a letter of concern. The motion passed unanimously.

2780 – Arthur Fellows / Katie Jeremiah

Mr. Tappert reported the Committee discussed that complainant attorney Katie Jeremiah alleged that respondent Arthur Fellows prepared a letter constituting the unlicensed practice of engineering for a land use application. The letter addressed concerns regarding proposed blasting at a rock quarry and its effects on neighboring water wells. Mr. Fellows signed the letter using the “SE” title, his California seal, and California contact information. When Mr. Fellows

responded to the allegations he pointed out two issues. First, his letter did not constitute the practice of engineering. Second, he did not misrepresent himself because his California seal clearly showed his state of registration, which was required by OAR 820-010-0730.¹

Mr. Hoffine commented that the letter appeared to not be an engineering document, but rather his recommendations for the methods to gather data and information to make a determination about what needs to be done. Mr. Fellows made no design conclusions or recommendations. Mr. Tappert clarified that the Committee reached out to former Board member Grant Davis for his opinion on whether or not Fellows engaged in the practice of engineering. Mr. Tappert reported that Mr. Davis replied he “*Didn’t see any [acts constituting the practice of engineering] in the letter Mr. Fellows wrote. He just recommended that the wells be monitored.*” It was moved and seconded (Tappert/Newstetter) to close the case as allegations unfounded. The motion passed unanimously.

2784 – Kerry Bradshaw / OSBEELS

Mr. Tappert reported the Committee discussed that respondent Kerry Bradshaw, PLS, CWRE, passed away on July 15, 2012. It was moved and seconded (Tappert/Newstetter) to close the case as respondent is deceased. The motion passed unanimously.

New Business

Preliminary Evaluation: Richard H. Harbert, PE, Idaho disciplinary notification

Mr. Tappert reported the Committee discussed that during a preliminary evaluation prepared for another matter, it was discovered that Richard H. Harbert, PE, had nothing in his registration file to indicate he had notified OSBEELS regarding a sanction issued against him by the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors. In addition, the evaluation found that Mr. Harbert was suspended then revoked after he failed to comply with the requirements of the Idaho Final Order. Namely, he did not to complete an ethics courses.

The investigation found that Mr. Harbert became Oregon registered on May 17, 1999, and his Idaho revocation became effective January 1, 2001. However, there was no documentation that Mr. Harbert notified OSBEELS of the disciplinary action. During the evaluation, Mr. Harbert provided a copy of a notification letter he sent to the Washington Board and claimed a similar letter was sent to OSBEELS, but he was unable to submit a copy. The Committee concluded that Mr. Harbert had reasons for not completing the ethics course and that the original case was quite old and not straightforward. As a result, the Committee determined to not open a case.

¹ OAR 820-010-0730, Use of Engineering Title if Registered in Other Jurisdiction;

(1) A person who is not registered in Oregon, but holds a substantially equivalent unexpired certificate of registration in another state, territory or possession of the United States, the District of Columbia, or a foreign country, may use the title, “engineer,” “professional engineer,” “registered professional engineer,” or any of its derivations provided that the jurisdiction(s) in which they are registered is written/printed after the title so as not to mislead the public regarding their credentials.

(2) Other than as described in subsection (1) of this rule, no persons may hold themselves out as an engineer in Oregon by use of the title “professional engineer,” “registered professional engineer,” or any of their abbreviations or derivatives;

(3) Unless registered as a professional engineer in Oregon, no persons may; (a) Hold themselves out as an “engineer” other than as described in subsection (1) of this rule or in ORS 672.060; (b) Offer to practice engineering; or (c) Engage in the practice of engineering.

Revisions to LEC Policies and Procedures: authorize staff negotiated settlement agreements

Mr. Tappert reported that the Committee discussed revisions to its policies and procedures in order to authorize investigators to negotiate settlement agreements prior to law enforcement investigations. As a result, the Committee reviewed draft revisions to the LEC Policy and Procedures, Disciplinary Procedures, Complaint Process Flow Chart, and an example of an acknowledgment letter. The Committee accepted the changes and recommended approval, but modified the policy to focus on specific types of cases, including CPD, unlicensed advertising and use of professional titles, and right of entry. He added that staff negotiated settlement agreements go to the Board for final decision and for authorization for the Board President to sign the Final Order.

AAG Lozano offered other options to consider. For example, she noted concerns about the use of the term “administrative,” about notification sent to respondent of their rights to hearing, and about delegation of decision authority as opposed to delegating administration. She also suggested that a test be conducted through a pilot program. Overall, she believed a matrix can be developed to structure negotiation and settlement standards.

In response, Mr. Wilkinson disagreed stating CPD cases are not all of a similar nature and there is no way to reducing personal experiences into a matrix due to mitigating factors. Also, the Committee has established sanction parameters by its past cases. Negotiated settlement agreements would be based therefore on those parameters already set by the Committee. The Board determined to refer the matter back to the Committee for further discussion.

Unfinished Business:

Memorandum: J. Thomas Smith and Idaho CPD requirements

Mr. Tappert reported that the Committee discussed a follow-up to a June preliminary evaluation regarding disciplinary action by the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors against J. Thomas Smith, PE, for failing to comply with CPD requirements. When the Committee reviewed the matter, a question was asked if Mr. Smith did not comply with CPD requirements in Idaho, then he might not have complied in Oregon. Mr. Tappert stated that further investigation found that Mr. Smith’s Idaho renewal cycle and his Oregon renewal cycle do not match. As a result, the Committee determined to not open a case.

AAG discussion: 2601-Rick Franklin Corporation and OAH referral (executive session, ORS 192.660(2)(f))

Mr. Tappert reported that Mr. Linscheid read the script to take the Committee into executive session because AAG Tucker-Davis had prepared written legal advice that the Committee would need to discuss. Mr. Tappert stated that upon reconvening in public session, no decisions were made during the executive session. The Committee went on to discuss that Rick Franklin Corporation (RFC) advertised to design both bridges and roadways. However, the professional reviewer opined that not all roadways require engineering, but the offering of bridge design was the professional practice of engineering. Since the RFC Notice of Intent (NOI) included both allegations, the Committee discussed three options to either amend the NOI or not. The Committee determined that the current NOI would remain in place.

Investigator discussion: 2630-Watson

Mr. Tappert reported the LEC discussed case number 2630 involving Jack Watson, PLS and the loss of Evelyn Kalb, PLS, as the Board's professional reviewer in this case. Mr. Tappert stated that the Committee discussed the difficulty for one person to act as the professional reviewer in this case. As a result, the Committee determined to identify three to five surveyors to act as a professional reviewer consortium. Mr. Wilkinson expressed his preference of having a five person group because of his concerns of possibly losing one or more of the professional reviewers during the process. The Board expressed no concerns with this approach.

Settlement Agreements

Mr. Tappert reported that the Committee reviewed the lists of Cases Subject to Collections (9), Cases Subject to Monitoring (12), and Case Status Report that showed 105 active cases. There were no further comments.

PROFESSIONAL PRACTICES COMMITTEE

Ms. Newstetter reported that the PPC met on August 10, 2012, to discuss the matters contained in the Committee minutes. There was no further discussion.

RULES AND REGULATIONS COMMITTEE

Mr. Hoffine reported that the RRC met on August 9, 2012, to discuss the matters contained in the Committee minutes. Additional discussion was held regarding the following matters:

OAR 820-001-0025 – Purchasing and Contracting

It was moved and seconded (Hoffine/Tappert) to approve the rulemaking process to amend OAR 820-001-0025 as presented. The motion passed unanimously.

OAR 820-010-0720 – Advertising for or Offering to Perform Services

It was moved and seconded (Hofine/Tappert) to approve with the rulemaking process to amend OAR 820-010-0720 as presented. The motion passed unanimously.

RULES HEARING

As a result of the Rules Hearing held at 1:30 p.m., the following action was taken by the Board:

OAR 820-001-0015 – Hearing Request and Answers: Consequences of Failure to Answer

It was moved and seconded (Newstetter/Tappert) to amend OAR 820-001-0015 as presented.
The motion passed unanimously.

OAR 820-010-0215 – Forms of Applications

It was moved and seconded (Tappert/Doane) to amend OAR 820-010-0215 as presented. The motion passed unanimously.

OAR 820-010-0225 – Educational Qualifications to Take the Fundamentals of Engineering (FE) Examination for Enrollment as an Engineering Intern (EI)

It was moved and seconded (Tappert/Newstetter) to amend OAR 820-010-0225 as presented.
The motion passed unanimously.

OAR 820-010-0226 – Educational Qualifications to Take the Fundamentals of Land Surveying (FLS) Examination for Enrollment as an Land Surveying Intern (LSI)

It was moved and seconded (Tappert/Newstetter) to amend OAR 820-010-0226 as presented.
The motion passed unanimously.

OAR 820-010-0415 – Nature of the Examination for Professional Engineer (PE)

It was moved and seconded (Tappert /Doane) to amend OAR 820-010-0415 as presented. The motion passed unanimously.

OAR 820-010-0440 – Schedule of Examinations

It was moved and seconded (Tappert /Wahab) to amend OAR 820-010-0440 as presented. The motion passed unanimously.

OAR 820-010-0444 – Proctoring of Examinations

It was moved and seconded (Tappert /Doane) to amend OAR 820-010-0444 as presented. The motion passed unanimously.

OAR 820-010-0463 – Cutoff Scores for Examination

It was moved and seconded (Tappert /Doane) to amend OAR 820-010-0463 as presented. The motion passed unanimously.

OAR 820-010-0470 – Review of Examinations Administered by the Board

It was moved and seconded (Tappert /Doane) to amend OAR 820-010-0470 as presented. The motion passed unanimously.

OAR 820-020-0040 – Examination Subversion: Grounds for Invalidation of Examination Results

It was moved and seconded (Tappert /Doane) to amend OAR 820-020-0040 as presented. The motion passed unanimously.

ADJOURN

The meeting was adjourned at 3:04 p.m.

September 11, 2012 ACTION ITEMS:

- Present the final text of the NCEES motions to appropriate committee.
- Request legislative history on CWRE certification for November Board meeting.
- Schedule training from Oregon Government Ethics Commission.

NEXT MEETINGS

Next Board Meeting:

November 13, 2012 at 8:00 a.m. – Guest Trainer Tammy Hedrick from the Oregon Government Ethics Commission

Next Committee Meetings:

LAW ENFORCEMENT:	Thursday, October 11 th at 8:00 a.m.
RULES & REGULATIONS:	Friday, October 12 th at 8:00 a.m.
EXAMINATIONS & QUALIFICATIONS:	Friday, October 12 th at 9:00 a.m.
EXTERNAL RELATIONS:	Friday, October 12 th at 10:30 a.m.
FINANCE:	Friday, October 12 th at 11:00 a.m.
Oregon Specific Exam Task Force:	Friday, October 12 th at 11:30 a.m.
PROFESSIONAL PRACTICES:	Friday, October 12 th at 1:00 p.m.