



Oregon

State Board of Examiners for
Engineering & Land Surveying
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Minutes of Meeting March 12, 2013

CALL TO ORDER

President Linscheid called the meeting to order at 9:01 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.

Members Present:

Dan Linscheid
Steven Burger
James Doane
Sue Frey (excused)
Ken Hoffine
Sue Newstetter
Carl Tappert
Thomas Van Liew (Arrived at 9:07 a.m.)
Amin Wahab

Others Present:

Mari Lopez, OSBEELS Executive Secretary
Jenn Gilbert, OSBEELS Executive Assistant
Joy Pariante, OSBEELS Social and Communications Media Specialist
Katharine Lozano, Assistant Attorney General
Michael Hardy, PE, PEO
Pat Barrett, PE
Richard Kelson, PE
Harry Joe Tabor, PE
John Garland, PE
Doug Spencer, PE
Bob Neathamer, PLS
Don Knauer, PLS, CWRE

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

It was moved and seconded (Doane/Wahab) to approve the minutes of the January 8, 2013 Board Meeting. The motion passed unanimously.

It was moved and seconded (Doane/Newstetter) to approve the minutes of the February 25, 2013 Special Board Meeting, with a minor correction. The motion passed unanimously.

PUBLIC INPUT

Michael Hardy, PE, came to speak to the Board as a representative of Professional Engineers of Oregon (PEO) to discuss Senate Bill (SB) 254. Mr. Hardy explained that the bill contained language that will allow contractors to engage in “value engineering.” PEO’s concern is there is no definition of value engineering to determine if a licensed engineer is required. As PEO has no dedicated lobbyist, the Board’s support was requested. AAG Lozano reminded the Board that the focus should be placed on protection of the public and not protection of the profession. The Board declined to intervene during the March 14, 2013 legislative work session, but President Linscheid requested that Mr. Hardy keep the Board informed of the status of SB 254. There was no further discussion.

Richard Kelson, PE, came to speak to the Board regarding concerns about electricians and other contractors performing engineering services. Mr. Kelson said he had appeared before the Board on numerous occasions regarding this concern. In 1990, he asked the Board why electricians could perform layout and design in projects and he said he received no response. In 1993, he brought to the Board’s attention that lighting salesmen were performing calculations and designs and he said he received no response. In 1995, Mr. Kelson was concerned about fire sprinkler system design; no response. In 2004, he asked again about fire sprinkler systems; no response. In 2006, he requested a copy of the AAG advice regarding fire sprinkler system design and he said he never received it.

Mr. Kelson’s current concern was regarding electricians performing layout and design tasks, which he believes constitute the practice of engineering. He said supervisory electricians are performing these tasks without reprimand because the rules governing electricians allow them to. Mr. Kelson expressed concern regarding the Board taking his complaints seriously. He said he was discouraged with the Board’s lack of concern in the past. Ms. Lopez said he should submit a complaint so that OSBEELS can investigate. He said the Board was “ineffective in protecting (him) as a small electrical engineer from others who aren’t qualified to do what they’re being allowed to do by laws which go against Board laws.” President Linscheid pointed out that the Board isn’t responsible for protecting the profession, only the public. He emphasized that the Board stands for the public, not for small, large, or independent businesses or engineers. Mr. Kelson also said that he has made anonymous complaints in the past about electricians advertising electrical engineering services, but nothing was ever done. Ms. Newstetter encouraged him to make complaints to the Board if he sees violations in the future. Mr. Kelson also said that, because of the infringement on his business by electricians, he can’t afford to keep up with continuing education. Mr. Linscheid pointed out that the annual OSBEELS Symposium is offered as a low-cost option for continuing professional development. There was no further discussion.

Doug Spencer, PE, came to speak to the Board regarding the software engineering examination and licensure. Mr. Spencer had spoken to the Examinations and Qualifications (E&Q) Committee in February 2013 regarding the addition of software engineering as a discipline in Oregon since an examination for that discipline is now available through the National Council of Examiners for Engineering and Surveying (NCEES). Mr. Tappert expressed concern about putting a large group of people currently practicing software engineering without a license and without the educational qualifiers for licensure in a difficult situation. AAG Lozano said that

would be dependent on how tightly or loosely the Board chooses to define the practice of software engineering. She also recommended having a public input hearing to get the software community involved. Ms. Newstetter said the Board should take action on this important subject, as software operates many systems that are vital to public safety. It was moved and seconded (Newstetter/Van Liew) to have the Rules and Regulations Committee (R&R) begin work on the definition of software engineering for licensing purposes. The motion passed unanimously.

Mr. Wahab also said it must be well defined to avoid requiring licensure for routine software-related tasks. He also pointed out that it is difficult to put bounds around a field that's still expanding. Mr. Spencer said Texas has good language in their definition to start from, as the software engineering examination started there as a state-specific exam. AAG Lozano recommended contacting the Texas board to discuss any issues they've had with software engineering licensure and to review the language Texas uses to define the practice. The motion was amended (Newstetter/Hoffine) to request Staff begin exploratory and research tasks regarding software engineering examination and licensure. The motion passed unanimously. Patrick Barrett, PE, said he had envisioned licensure requirements for supervisors, but not for all programmers and developers. He said someone licensed should be overseeing development of software which effects how people live their lives. There was no further discussion.

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. Additionally, the Oregon Specific Examinations Task Force (OSETF) met. 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 the NCEES examinations are scheduled to be held in Salem on April 12-13 at the Oregon State Fairgrounds. The Oregon Specific Land Surveying 4-hour Examination is scheduled to be held in Salem on April 13 at the University of Phoenix. There are 24 examinees for the Oregon Specific Land Surveying 4-hour Examination. The Certified Water Right Examination is scheduled to be held on April 12 generally at the Water Resources Department and possible at a second site in La Grande. There are 17 examinees for the Certified Water Right Examination. There was 1 application received for the Forest Engineering Examination to be held on April 12, also at the University of Phoenix. Additionally, NCEES has extended an invitation to the Board to observe this examination administration. If the Board selects observers, NCEES must know by Friday, March 15th. It was determined that there would be no observers due to a conflict with the Committee schedule.

Legal Documents

CA Geotechnical examination contract – AAG Lozano submitted a draft contract for review by AAG Johnson in the Business Transaction Section of Department of Justice (DOJ). The draft was returned to Ms. Lopez, who had additional questions for AAG Lozano.

Certified Water Right Examiner (CWRE) examination MOU – AAG Lozano submitted a draft MOU for review by the assigned AAG for the Water Resources Department. The draft was returned to Ms. Lopez, who had additional questions for AAG Lozano.

2013 Western Zone Meeting

Ms. Lopez reported that the 2013 Western Zone Meeting has been scheduled. The Hilton San Francisco Financial District in San Francisco, CA will host this occasion from April 18–20. The deadline for delegates and guests to register is Friday, March 22nd. Ms. Lopez, Mr. Linscheid, Mr. Wahab, Ms. Newstetter and Matt Bryan, Registration Specialist, will attend.

NCEES 92nd Annual Meeting

Ms. Lopez announced that the meeting is August 21-24 in San Antonio, Texas.

21st Annual Federation of Associations of Regulatory Boards (FARB) Conference

Ms. Lopez reported that FARB is a non-profit organization established in 1974 to promote excellence in the regulation of professions to protect the public. AAG Lozano has requested to attend this conference on behalf of OSBEELS. This conference will be held in Coeur d' Alene, ID from October 4–6. FARB encourages Attorneys, Board Members, Executive Directors, Board Staff, and Investigators to attend. AAG Lozano encouraged the Board to send representatives because of the excellent information provided for regulatory boards. Ms. Newstetter also expressed interest in attending. There was no further discussion.

Joint Compliance Committee (JCC)

Ms. Lopez reported that on February 20th, she and Christine Valentine, Oregon State Board of Geologist Examiners (OSBGE) Administrator had a lengthy telephone conversation regarding the JCC efforts. OSBGE recommends that the JCC convene a meeting as soon as possible for reasons that new Board members are being appointed on each Board. There is a perceived value in a general discussion regarding the Boards respective responsibilities as established in the Memorandum of Understanding (MOU) (approved during the OSBEELS November 13, 2001 Board meeting). Concerns were also noted with the number of days between beginning an investigation and reaching a resolution on concurrent cases and approval of the JCC meeting minutes. Ms. Newstetter requested that the topic of engineering geology be put on the next agenda. She said it is confusing for both the public and professionals. There was no further discussion.

Board Vacancies

Ms. Lopez reported that the Governor's Office appointed Thomas Van Liew, PE, to succeed the position held by John Seward, PE. Additionally, Ken Hoffine's request seeking a re-appointment to the Board was accepted (July 1, 2012 to June 30, 2016). At this time, the Governor's Office is seeking a public member, a professional land surveyor (position will not be available until June 2013) and a registered professional photogrammetrist (or PE, PLS) to fulfill the Board's vacancies.

Staffing

Ms. Lopez reported that on January 28th Allen McCartt submitted a letter of resignation; last day

of work February 8th. The announcement for one full-time Compliance Specialist position was posted since February 12th. As of this date, no applications have been received. The announcement for one full-time Office Specialist 1 (receptionist) position has been posted since January 3rd. As of this date, OSBEELS has received 24 applications. The first round of interviews will be scheduled for the week of March 18th. Mr. Hoffine inquired if Staff had considered additional posting options to get more applicants for the Compliance Specialist position. Ms. Lopez said they've used a number of options for recruitment, but to no avail. Mr. Hoffine asked if it was a pay issue. Ms. Lopez said the pay has already been increased for the position and it is comparable for the same position with other state agencies. There was no further discussion.

PRESIDENT'S REPORT

President Linscheid reported that he went to the NCEES Board meeting in Astoria in March. He also attended the Board Presidents Meeting in Atlanta, Ga. in February. Mr. Linscheid also sent a letter to the Oregon State University Dean of Forestry requesting the nomination of a replacement Forest Engineering exam liaison to the Board. Thomas Maness, dean of the OSU College of Forestry, nominated John Sessions to fill the position. John Garland, with the Forestry Engineering Professional Association and PE, stated that he fully supported the nomination of Mr. Sessions. It was moved and seconded (Hoffine/Tappert) to accept the nomination of Mr. Sessions to serve as the Forest Engineering examination liaison to the Board. The Board determined that an alternate liaison is required and forwarded the matter to the Oregon Specific Examination Task Force for discussion. The motion passed unanimously.

EXAMINATIONS AND QUALIFICATIONS COMMITTEE

Mr. Burger reported that the EQC met on February 15, 2013, to discuss the matters as contained in the Committee minutes. Additional discussion was held regarding the following matters:

Review of Applications

Comity Applications

Tatman, Joshua C. – It was moved and seconded (Burger/Tappert) to deny Mr. Tatman's application for PLS by comity. For clarification, Ms. Newstetter asked if the situation was that Mr. Tatman's education and experience meet California's requirements, but not ours. This information was confirmed. There was no further discussion. The motion passed. Mr. Hoffine voted against the motion.

Examination Applications

Bowers, Bradley J. – It was moved and seconded (Burger/Tappert) to deny Mr. Bowers' application for PLS by comity. Ms. Newstetter again clarified that Mr. Bowers' was licensed in Washington, but his transcripts did not show the education required to qualify for licensure in Oregon. There was no further discussion. The motion passed unanimously.

Falken, Eric J. – It was moved and seconded (Burger/Tappert) to approve Mr. Falken to take the lateral component of the structural examination in April 2013. The motion passed. Mr. Doane recused himself.

Fry, Travis J. – It was moved and seconded (Burger/Tappert) to approve Mr. Fry’s application for PE (Electrical) examination, as allowed by OAR 820-010-0230. AAG Lozano pointed out that references are still required, but some positions don’t have a supervisory PE. In those situations, a non-PE supervisor can act as the required reference. Ms. Lopez pointed out that another situation where this applies is in the case of industrial exemptions. There was no further discussion. The motion passed unanimously.

Osman, Eric – It was moved and seconded (Burger/Hoffine) to deny Mr. Osman’s application for the April 2013 FLS examination. The motion passed unanimously.

Ren, Xincheng – It was moved and seconded (Burger/Tappert) to deny Mr. Ren’s application for the April 2013 FE examination. The motion passed unanimously.

Sorenson, Donald – It was moved and seconded (Burger/Tappert) to approve Mr. Sorenson to take the Oregon Specific Land Surveying Examination in April 2013. The motion passed unanimously.

Sprague, Martin – It was moved and seconded (Burger/Tappert) to approve Mr. Sprague to take the Oregon Specific Land Surveying Examination in April 2013. The motion passed unanimously.

Sullivan, Brian J. – It was moved and seconded (Burger/Tappert) to approve Mr. Sullivan to take the PE (Civil) examination in April 2013. The motion passed. Mr. Doane recused himself.

Tan, Taide – It was moved and seconded (Burger/Tappert) to deny Mr. Tan’s application for registration as a PE (Mechanical) by examination. The motion passed unanimously.

Vincent, Edward F. – It was moved and seconded (Burger/Hoffine) to approve Mr. Vincent’s application for registration as a PLS by comity. The motion passed unanimously.

Reapplications

It was moved and seconded (Burger/Tappert) to approve the 13 reapplications presented for admission to the April 2013 examination administration. The motion passed unanimously.

Registration by Comity List

It was moved and seconded (Burger/Wahab) to approve the list of 79 applicants for Registration by Comity. Mr. Doane recused himself from voting on Mohammadreza Mostafa and William A. Persich. The motion passed unanimously.

Registration by 1st Registration List

It was moved and seconded (Burger/Wahab) to approve the list of 9 applicants for Registration by 1st Registration. The motion passed unanimously.

Continuing Professional Development Audit

Grace Period

The Board discussed the policy for granting grace periods. There were two distinctly different

cases to be discussed. Rick Riper was short by less than 15 PDHs and submitted a completed CPD Organizational Form with his renewal and grace period request. For individuals who are within 15 PDHs of compliance, a grace period is granted, as per rule. The responsibility of granting those grace periods has been delegated to Staff by the Board.

Grey Lerner had no PDHs to claim for the July 1, 2011 through June 30, 2012 renewal cycle. AAG Lozano reminded the Board that the determination made in this case would apply to everyone in the future who has completed none of the PDHs required and requests a grace period. Mr. Hoffine believed that the law enforcement option was the best route for those who have completed less than 15 PDHs. He said, since there was already a system established to deal with those who are deficient in fulfilling CPD requirements, it makes sense to send these cases to the Regulation Department. Ms. Lopez said the Regulation Department Staff are good at reviewing these cases, which usually end in a violation for not properly maintain records in accordance with rule. Ms. Newstetter had concerns that the CPD audit cases backlog in the Regulation Department would leave a registrant waiting a year or more without being able to practice. Ms. Lopez said CPD audit cases are moving through much more quickly now. It was moved and seconded (Hoffine/Van Liew) to deny Mr. Lerner's request for a grace period and to have registrants who request a grace period with less than 15 PDHs completed work with the Regulation Department to accomplish compliance.

Mr. Hoffine reiterated that the LEC and the Regulation Department already have a procedure in place to deal with situations such as this. Ms. Newstetter was still concerned with the amount of time it would take to deal with cases. AAG Lozano suggested not allowing a grace period and issuing a Notice of Intent (NOI) for Refusal to Renew which would apply until such time that all PDHs are complete. The registrant's license would be in delinquent status until the PDHs are complete. It was moved and seconded (Hoffine/Newstetter) to amend the motion to require all registrants with less than 15 PDHs completed at the time of grace period request be issued NOI for Refusal to Renew and to place the registrant's license in delinquent status until all delinquent PDHs are completed. AAG Lozano reminded the Board that registrants will retain the right to a hearing and the option for an informal conference with this option. The motion passed. Mr. Burger voted against the motion.

OREGON SPECIFIC EXAMINATIONS TASK FORCE

Ms. Newstetter reported that the OSETF met on February 15, 2013, to discuss the matters as contained in the Committee minutes. Additional discussion was held regarding the following matters:

Oregon-Specific Exam Policy

Security measures are still a concern. Ms. Newstetter said this is a very important issue and the full Board needs to be responsible for setting security standards. She reminded the Board that exam subversion which compromises the exam questions is a very costly mess. Ms. Lopez explained that there needs to be a secure method of storage and transmission of digital files. She said more research would be done on secure methods for the April 2013 OSTEF meeting. Mr. Linscheid mentioned that other boards are using NCEES for storage. Ms. Newstetter said she would like to avoid that because she would like OSBEELS to retain control of its materials. Mr. Neathamer reminded the Board that exam development teams will need access to files for exam development. Ms. Lopez said OSBEELS is already using secure FTP sites with other departments, Staff just need to find someone to set up an FTP site, if that's the preferred method

of storage for the exam questions database.

EXTERNAL RELATIONS COMMITTEE

Mr. Wahab reported that the ERC met on February 15, 2013, to discuss the matters as contained in the Committee minutes. Additional discussion was held regarding the following matters:

Oregon Examiner

VA benefits now available for select licensure examinations - It was moved and seconded (Wahab/Doane) to approve the article for the next edition of the *Oregon Examiner*. The motion passed unanimously.

Land Surveyors, Water Right Examiners, and Right of Entry laws - It was moved and seconded (Wahab/Doane) to approve the article, with minor changes, for the next edition of the *Oregon Examiner*. The motion passed unanimously.

Board members (Hoffine) - It was moved and seconded (Wahab/Newstetter) to approve the article for the next edition of the *Oregon Examiner*. The motion passed unanimously.

Board members (Van Liew) - It was moved and seconded (Wahab/Doane) to approve the article for the next edition of the *Oregon Examiner*. The motion passed unanimously.

Proper use of the term “engineer” - It was moved and seconded (Wahab/Newstetter) to approve the article for the next edition of the *Oregon Examiner*. The motion passed unanimously.

FINANCE COMMITTEE

Mr. Doane reported that the FC met on February 15, 2013, to discuss the matters as contained in the Committee minutes. Additional discussion was held in reference to the following matters:

PE application fee request

It was moved and seconded (Doane/Newstetter) to forward Mr. Johnson’s application and fee to the April 2014 examination administration. The motion passed unanimously.

2011-2013 Audit/Financial Review

Ms. Newestter indicated that she would prefer an audit was completed for a more thorough analysis of OSBEELS practices. Mr. Tappert said it seems like the state has indicated it would prefer a financial review. Ms. Newestter said her concern is that OSBEELS is routinely noticed for being different, including numerous times in the recent semi-independent review. Mr. Hoffine said he saw no issue with trying a financial review, as the Board hadn’t utilized this analytical method before. It was moved and seconded (Doane/Tappert) to conduct a financial review for the Board, as encouraged by the state. The motion passed unanimously.

2013-2015 Budget

Mr. Doane said he thought the budget was due in April, but it actually needs to be completed by March. He said he was waiting for staff to fill in holes in the budget. Mr. Doane’s preliminary budget called for \$2.4 million in expenditures. Income was estimated at \$600,000 per half year. He also indicated that a litigation reserve of \$250,000 would be beneficial. He said he was reluctant to make any major budget changes because of the balance demonstrated with the current budget.

Ms. Gilbert indicated that the budget needed to move into rulemaking today (March 12, 2013) in order to have the paperwork completed to have the budget ready for adoption in July. Ms.

Newstetter asked if a special meeting for budget approval could be held to allow more time for budget completion. Ms. Lopez suggested moving forward with the current budget and allow for \$3 million for expenditures for the rules hearing in May. Any changes in dollar amount can be made in May, but the budget could move forward in rulemaking sooner. It was moved and seconded (Newstetter/Tappert) to move the budget forward in the rulemaking process and make adjustments, as necessary, in May. The motion passed unanimously.

LAW ENFORCEMENT COMMITTEE

Mr. Tappert reported that the LEC met on February 14, 2013, to discuss the matters as contained in the Committee minutes. Additional discussion was held regarding the following matters:

Informal Conferences:

2699 – Robert Timothy Brannan, PE

It was moved and seconded (Tappert/Newstetter) to approve a \$250 civil penalty for violation of OAR 820-010-0635(1)(a). The motion passed unanimously.

2711 – Justin Jonathan Franklin, PE

It was moved and seconded (Tappert/Newstetter) to approve a \$750 civil penalty for violation of OAR 820-010-0635(1)(a). The motion passed unanimously.

2714 – Stephen Gerald Hough, PE

It was moved and seconded (Tappert/Newstetter) to approve a \$250 civil penalty for violation of OAR 820-0220-0015(8) and specialized settlement agreement wording.

2716 – Richard Dean Luebbers, PE

It was moved and seconded (Tappert/Newstetter) to approve a \$500 civil penalty and a 90-day suspension for violations of OAR 820-010-0635(1) & (5) and OAR 820-020-0015(7).

2656 – Mikhail P. Golberg

It was moved and seconded (Tappert/Newstetter) to approve a \$1,000 civil penalty for violations of ORS 673.020(1), ORS 672.045(1) & (2), and OAR 820-010-0720(1).

Committee Meeting:

2655 – Dan Lee Gilbert/William Trimble

It was moved and seconded (Tappert/Newstetter) to close the case as allegations unfounded and to send a Letter of Concern to Mr. Gilbert pertaining to the dangers of using the work of other surveyors without checking it for accuracy.

2693 – Terry Lang/OSBEELS

It was moved and seconded (Tappert/Burger) to approve sending a Letter of Concern to Mr. Lang in reference to ORS 672.007(1), ORS 672.020(1), and OAR 820-010-0730(2). The motion passed unanimously.

2694 – Darryl W. Harms/Stephen E. Cook

It was moved and seconded (Tappert/Newstetter) to close the case as allegations unfounded. The motion passed unanimously.

2696 – Charles Esler/OSBEELS

It was moved and seconded (Tappert/Newstetter) to close the case as allegations unfounded. The motion passed unanimously.

2698 – Lou Giottonini/OSBEELS

The Board and AAG Lozano discussed adding the potential for criminal charges to the NOI, as described in ORS 672.991. AAG Lozano said this case falls outside the statute of limitations. Staff were instructed to move forward with the original NOI.

2705 – Erick Esparza/OSBEELS

It was moved and seconded (Tappert/Newstetter) to approve sending a Letter of Concern to Mr. Esparza regarding ORS 672.007(1)(a), ORS 672.045(2), and OAR 820-020-0045(5). AAG Lozano again noted that it should be clear to Mr. Esparza that the Letter of Concern is considered Public Record. There was no further discussion. The motion passed unanimously.

2706 – Jeff Sweet/OSBEELS

It was moved and seconded (Tappert/Newstetter) to close the case as compliance met. The motion passed unanimously.

Unfinished Business

Default Final Orders regarding signed options forms

It was moved and seconded (Tappert/Newstetter) to approve the Default Final Orders provided for review.

Attorney General Updates

2618 – Martinez, OAH referral (Pre-Hearing Conference April 9, 2013)

AAG Lozano reported that, in light of the ruling on the Topaz case, she will be petitioning the Administrative Law Judge with a motion for summary determination. There was no further discussion.

2601 – Rick Franklin Corporation (RFC) (Hearing March 19, 2013)

AAG Lozano reported that she would no longer be using Mr. Stuntzner as an expert witness. Instead, Eric Urstadt will be the expert witness. There was no further discussion.

PROFESSIONAL PRACTICES COMMITTEE

Ms. Newstetter reported that the PPC met on February 15, 2013, to discuss the matters contained in the Committee minutes. Additional discussion took place on the following topics:

Digital Signatures

Ms. Newstetter indicated that registrants are not understanding OSBEELS rules regarding digital signatures. She said the issue should be forwarded to RRC because there needs to be clarification regarding 3rd party and self-certification. Board members were concerned about the costs associated with 3rd party certification. Staff was directed to identify any low-cost options for 3rd party certification. It was moved and seconded (Newstetter/Hoffine) to send the digital signature issue to RRC for rule review. The motion passed unanimously.

Sealing Software Output

There were questions regarding if providing engineering calculations from a program to the public is considered practicing engineering. AAG Lozano said other boards have had similar discussions regarding hearing aids and glasses sold at drug stores or supermarkets. Staff was directed to draft a response for review at the April meeting. There was no further discussion.

RULES AND REGULATIONS COMMITTEE

Mr. Hoffine reported that the RRC met on February 15, 2013, to discuss the matters contained in the Committee minutes. Additional discussion took place on the following topics:

OAR 820-010-0622 – Modifying Designs or Documents

It was moved and seconded (Hoffine/Tappert) to move the draft rule forward in the rulemaking process. The motion passed unanimously.

OAR 820-050-0010 – Continuing Professional Development Requirements: Failure to Comply

It was moved and seconded (Hoffine/Doane) to approve the temporary rule. The motion passed unanimously.

UNFINISHED BUSINESS

There was no unfinished business to address.

NEW BUSINESS

Board president nominations

Mr. Linscheid asked for volunteers for the Nominating Committee for the election of a new Board president. He suggested that Mr. Wahab and Mr. Tappert participate in the Committee since Mr. Wahab can't serve as president because he's a public member and Mr. Tappert doesn't have enough time left on the Board to fulfill the 2-year presidential term. They agreed to oversee the Committee.

E&Q Special Meeting

Mr. Burger said he thought the special meeting of the E&Q Committee was helpful to applicants and had the potential to help many time-sensitive applicants each Committee cycle. The Board reached a consensus and determined to evaluate the need for a special Board meeting following each E&Q Committee meeting.

LEGAL BRIEFING

AAG Lozano had a refresher discussion with Board members regarding Board behavior. She reminded Board members that they need to recuse themselves if an individual they know well or work with is being discussed. The recusal needs to be made before deliberations begin and it must be announced to the Board so the recusal can be made a part of the public record.

Another reminder from AAG Lozano was that public meeting requirements only apply to public attendance. There is no requirement for public participation. She said the Board members are the only individuals appointed by the Governor to deliberate; therefore, they are the only ones who can be actively discussing issues. She said members of the public can give background on a topic, but not opinion during deliberations.

AAG Lozano also mentioned that Board iPads are only for Board activity use. Using the iPads for any other purpose is a violation of Government Ethics Law. Also, any documents, emails, images or recordings on the Board iPads are considered public records and can be used in litigation.

ADJOURN

The meeting was adjourned at 2:46 p.m.

March 12, 2013 ACTION ITEMS:

- Complete CA Geotechnical examination contract and Certified Water Right Examiner MOU
- Coordinate with Christine Valentine, OSBGE Administrator to determine a date and time for a joint meeting of the Boards to discuss the overlap of practices and Joint Compliance Committee (JCC).

NEXT MEETINGS

Next Board Meeting:

May 14, 2013

Next Committee Meetings:

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