



Oregon

STATE BOARD OF EXAMINERS
FOR ENGINEERING &
LAND SURVEYING

670 Hawthorne Ave. SE, Suite 220
Salem, OR 97301
(503) 362-2666
Fax (503) 362-5454
E-mail: osbeels@osbeels.org

Minutes of Meeting September 13, 2016

CALL TO ORDER

President Kent called the meeting to order at 9:07 a.m. in the Conference Room of the Board office. **Please note:** The Consent Agenda is provided as an attachment to these minutes.

ROLL CALL

Members present:

Jason Kent
Christopher Aldridge
Bill Boyd
Shelly Duquette
Ken Hoffine
Logan Miles
Ron Singh
Dave Van Dyke
Amin Wahab
Oscar Zuniga

Others Present:

Mari Lopez, Administrator
Jenn Gilbert, Deputy Administrator
Katharine Lozano, Assistant Attorney General
Bob Neathamer, PLS
Carl Kloos

PUBLIC INPUT

Carl Kloos addressed the Board regarding his application submitted for registration as a structural engineer. He provided a brief summary of the education he received and the licensure he hold in various states and with national organizations, and the correlating requirements. President Kent noted that consideration of his application is under the Examinations and Qualification Committee portion of the agenda. There was no further public input.

BOARD CONSENT AGENDA

Ms. Duquette requested to remove item 8, Professional Practice Committee (PPC) meeting minutes. Mr. Singh requested to remove item 3, Law Enforcement Committee meeting minutes. It was moved and seconded (Boyd/Zuniga) to approve the September Board Consent Agenda, as amended. The motion passed unanimously.

Ms. Duquette noted that the summary on National Council of Examiners for Engineering and Surveying (NCEES) Uniform Procedures and Legislative Guidelines (UPLG) Motion 12 need additional clarification that the discussion held opposed the proposed language due to the

conflict with current Board statutes and rules. After a brief discussion, it was moved and seconded (Kent/Aldridge) to approve the PPC minutes, as amended. The motion passed unanimously.

After discussion on the minutes of the August Law Enforcement Committee (LEC) meeting, President Kent noted that the approval will occur during the November Board meeting.

ADMINISTRATOR'S REPORT

Ms. Lopez reported that the Examinations and Qualifications Committee (EQC), External Relations Committee (ERC), Finance Committee (FC), LEC, PPC, Rules and Regulations Committee (RRC), and the Oregon Specific Exam Task Force (OSETF) each met during the interim.

Joint Compliance Committee (JCC) / OSBEELS and the Oregon State Board of Geologist Examiners (OSBGE)

She noted that a JCC meeting is scheduled to be held on October 6 at 1:00 p.m. to be hosted by OSBGE. Due to the potential lack of agenda items for discussion, Ms. Lopez will update the members of the JCC if the meeting will be held by telephone or cancelled.

NCEES 95th Annual Meeting

Ms. Lopez attended the NCEES Annual meeting in Indianapolis, IN along with President Kent, Shelly Duquette, and Amin Wahab. Christina Ulberg attended the NCEES Law Enforcement Forum/Program. For those interested, she provided the link to the Annual meeting materials: the meeting votes, summary of actions, and workshop presentations.

Additionally, the Board received an invitation to have a member of the NCEES Board or a senior staff member to attend an upcoming Board meeting in Oregon. Ms. Duquette showed interest and stated that a presentation would be beneficial to members who have not had the opportunity to attend an NCEES zone or annual meeting.

2016 OSBEELS Symposium

Ms. Lopez provided an update for 2016 OSBEELS Symposium that will be held on Friday, September 16 at the Salem Convention Center. OSBEELS has received 71 registrations. AAG Lozano gave a shout out to staff for again planning the Symposium with limited staff resources.

Staffing

Public Affairs Specialist 2 (Communications Coordinator)

Interviews to fill the position were conducted on September 8, 2016 with no further action at this time.

Ms. Lopez added that Lisa and Christina are attending the Council on Licensure, Enforcement and Regulation (CLEAR) Training, held in Portland, Oregon. There was no further discussion.

Board Vacancies

Ms. Lopez briefly noted that the Governor's Office has yet to fill two vacancies. There was no further discussion.

Customer Service Communication Standard

Ms. Lopez directed the members' attention to the draft policy on Customer Service Communication Standard. President Kent noted that this is a piece of what he envisioned the policy to encompass. He would like to see the policy include language addressing media inquiries and a public relations plan, communications schedule for the Symposium, and a schedule for the *Oregon Examiner*. Ms. Lopez responded that those are items in the respective staff members' position descriptions. The draft policy will be placed on the October External Relations Committee agenda for further discussion. President Kent will bring forward his outline to guide the discussion.

Public Records Management Policy

Ms. Lopez reported that the Governor has issued Executive Order 16-06, which implements the recommendations of the Secretary of State's recent audit of public records practices among the state agencies. The Policy must ensure compliance with Oregon's public records laws and be consistent with standards and practices across state government. As included in the Order, a draft Public Records Management Policy must be submitted to the State Archives for approval. After discussion, it was moved and seconded (Singh/Zuniga) to authorize staff and the AAG to modify the DAS template to fit the needs of OSBEELS. The motion passed unanimously. There was no further discussion.

The Board entered into executive session pursuant to ORS 192.660 (2)(f) to review the Administrator's performance appraisal and position description. All members of the audience were asked to leave the room and were invited to return upon resumption of the public meeting. Upon returning to public meeting, it was noted that no decisions were made and no votes were taken while in executive session.

It was moved and seconded (Boyd/Zuniga) to approve the performance evaluation for Administrator Lopez, as amended. The motion passed unanimously.

PRESIDENT'S REPORT

President Kent briefly noted that NCEES announced that the first computer based tests for professional engineering examinations will be held in January 2018 for the chemical and nuclear branches. There is no timeline to expand to the other branches at this time.

He provided an outline and covered information from the NCEES 2016 Annual Meeting that included highlights of the Summary of Actions. A motion that parallels language for structural engineers in the NCEES Model Law and Model Rules was not approved. Ms. Duquette expanded on the discussion and how it relates to Oregon.

A motion was made from the NCEES Technology Task Force. This Task Force is charged with studying the issues of electronic seals and signatures. President Kent reported that the Oregon delegation strongly disagreed with the language in the motion and an amendment that removed "electronic" from the motion passed. As a result, NCEES requested an article from OSBEELS distinguishing the difference between Electronic Signatures and Digital Signatures. Further discussion will be held during the October meeting of the Digital Signatures Task Force. When completed, the draft article will be brought back to the Board for review and approval.

President Kent also reported on the discussion held during the surveying forum, the status of state specific examinations, educational requirements for registration as it relates to mobility, the responses from an NCEES student questionnaire, and the surveying education award. Of note, the Oregon Institute of Technology (OIT) Geomatics program is one of the 10 award winners. Staff was directed to contact OIT for more information so that President Kent can travel to OIT to attend the award presentation.

President Kent briefly mentioned the discussion held regarding Pokémon Go and the suggestion to use virtual reality based mobile phone maps to generate interest in the geospatial professions in March during Surveying Week. There was a discussion that was similar to previous Board discussion on the proliferation of unmanned aircraft systems (UAS). Dependent on the use of UAS, the data can lead to the development of maps and the use of software can potentially be the unlicensed practice of photogrammetry.

Ms. Duquette reported that she attended the Engineers Forum where there was much discussion on the NCEES Uniform Procedures and Legislative Guidelines (UPLG) Motion 12. She noted that Illinois has a separate engineering board, a separate surveying board, and now a separate structural board. She also commented that NCEES informed that the NCEES Records Program had an issue; records created prior to 2008 must now be updated by the Record Holder. Ms. Lopez reported that the discussion was also held during the Member Board Administrator (MBA) Forum. As a result, Jerry Carter sent a follow up email to the MBAs on possible actions to resolve the issue. Mr. Wahab attended the Law Enforcement forum and briefly summarized the relevant discussions.

College letters

From the OSBEELS LEC, letters were drafted to distribute to the Oregon colleges and universities regarding use of the title “engineer” for staff not registered with the Board; however, President Kent is working on revising the language. NCEES incoming president spoke on the matter during the NCEES Annual Meeting and President Kent is waiting for a response from his request for permission to quote his presentation. One letter to the Oregon State University (OSU) was sent regarding the plan to trademark of the term “Oregon State Engineer.” A response was received from the OSU President Ray with the decision not to pursue the trademark registration for “Oregon State Engineer” but will continue to use the title for their college magazine. President Ray further requested increased communication. President Kent noted that further discussions will be held and the potential for an off-site Board meeting at OSU is in the works.

EXAMINATIONS AND QUALIFICATIONS COMMITTEE

Kloos, Carl – Denial

Ms. Duquette informed the Board that she was copied on an email from Mr. Kloos to the Structural Engineers Association of Oregon (SEAO) wherein he signed the email as a PE and an SE in the state of California. This caused her to question if the EQC was missing information because of the requirements California has to be registered as an SE in that state when the initial recommendation to deny Mr. Kloos’ application was made. Ms. Lopez conferred with staff who

has contacted the California Board. Staff was informed that there may have been an error in the California registration process for Mr. Kloos and the California staff are looking in to the matter.

President Kent and Ms. Duquette reiterated the requirements for registration as a PE and an SE in the state of Oregon and informed Mr. Kloos that the Board has had many discussions regarding the qualification requirements. AAG Lozano provided the Board with two options to consider; move forward with the information submitted or to defer action pending further information from California. Mr. Van Dyke asked if he took a professional engineering examination to which he replied no, he took the NCEES SE examinations. Ms. Gilbert noted that Mr. Kloos has also registered to sit for the October 2016 professional engineering examination. AAG Lozano then explained the process to Mr. Kloos so he could make an informed decision on his current pending application. Mr. Kloos requested to withdraw his application and will submit that request in writing.

Denial Recommendations

Ms. Duquette briefly noted that the recommended denials are for individuals who do not meet the qualification listed in ORS or OAR. It was moved and seconded (Kent/Boyd) to approve the EQC Denial Recommendations. The motion passed unanimously. There was no further discussion.

OREGON SPECIFIC EXAMINATION TASK FORCE

Oregon Specific Examination Policy (OSEP)

Volunteer Agreement

Mr. Zuniga briefly summarized the minor revisions made to the documents and the work accomplished by the Task Force. Based on previous discussions held by the Board regarding the importance of examination integrity and security, AAG Lozano noted the language in the OSEP under section 3, Test Development was still problematic. She explained that the language as presented, delegates the authority to the exam team to determine the adequacy of the examinations and recommended to revise the language to include the exam team will “make a recommendation” to the Board. After a brief discussion, it was moved and seconded (Kent/Aldridge) to adopt the OSEP and the Volunteer Agreement, as amended. The motion passed unanimously.

President Kent then charged the Task Force with evaluating the content and rigidity of the Oregon Specific examinations. It will be at the determination of the Task Force on how to handle this task. There was no further discussion.

FINANCE COMMITTEE

Review of financial information

President Kent summarized the discussions held during the FC meeting as contained in the minutes. There was no additional discussion.

LAW ENFORCEMENT COMMITTEE

2966 – Armentrout

Mr. Boyd briefly summarized case #2966 involving Terry Armentrout. Mr. Armentrout was issued a Notice of Intent (NOI) to Assess Civil Penalty and Suspend Registration in the amount

of \$2,000.00 and for a 120-day license suspension. He was charged with violating OAR 820-010-0635 and OAR 820-020-0015(7) for deficient professional development hours and with violating OAR 820-020-0015(8) for refusing to cooperate with the Board. Mr. Armentrout requested and attended an informal conference to settle the matter. As a result of the informal conference, a Mr. Armentrout signed a Settlement Agreement wherein he was assessed a civil penalty of \$1,000.00 for violating OAR 820-020-0015(8) for refusing to cooperate with the Board and will permanently retire his registration without the possibility of reinstatement, in lieu of suspension, for violations of OAR 820-010-0635, OAR 820-020-0015(7), and OAR 820-020-0015(8). It was moved and seconded (Boyd/Zuniga) to approve the Final Order Incorporating Settlement Agreement. The motion passed unanimously. There was no further discussion.

Sening

Mr. Boyd summarized the information related to case #2867 and #2993. Due to the timing of a response to case #2867, case #2993 was opened. However there was a miscalculation in the days in which the response was received, the Board needs to withdraw the NOI for case #2993, withdraw the Final Order by Default on case #2867, and refer case #2867 to the Office of Administrative Hearings. However, a letter to Mr. Sening is in order, explaining what has happened, and to provide him with an opportunity for an informal conference, if he wishes. It was moved and seconded (Boyd/Aldridge) to move forward with the request for a hearing on case #2867, withdraw the Final Order on case #2867, withdraw the NOI for case #2993, and to close case #2993 as allegations unfounded. The motion passed unanimously. There was no further discussion.

2932 – Boatwright

Mr. Boyd summarized the discussion held by the LEC regarding Corbey Boatwright and the lack of evidence to support the allegations. As a result the LEC recommended closing case # 2932 as allegations unfounded. It was moved and seconded (Boyd/Zuniga) to close case #2932 as allegations unfounded. The motion passed unanimously. There was no further discussion.

Wolden Injunction

AAG Lozano updated the members on the matter regarding Timothy Wolden and the stipulated agreement to which Mr. Wolden agreed. After discussion, it was moved and seconded (Boyd/Van Dyke) to approve the Stipulated General Judgment Granting Permanent Injunctive Relief Against Defendant Timothy Wolden. The motion passed unanimously. There was no further discussion.

RULES AND REGULATIONS COMMITTEE

OAR 820-010-1000

OAR 820-010-1010

OAR 820-010-2000

OAR 820-010-3000

OAR 820-020-0035

Mr. Hoffine briefly summarized the minor housekeeping revisions made by the RRC for OAR 820-010-1000, 820-010-2000, and 820-010-3000. AAG Lozano noted the revisions made regarding the branches recognized and the timeframes of registration granted. She also noted that language was added to clarify that applicants for reinstatement must pass an examination

with five years prior to application for reinstatement. The revision in OAR 820-020-0035 replaces “falsify” with “misrepresent” in subsection 1. It was moved and seconded (Boyd/Aldridge) to begin the rulemaking process for OAR 820-010-1000, OAR 820-010-1010, OAR 820-010-2000, OAR 820-010-3000, and OAR 820-020-0035. The motion passed unanimously. There was no further discussion.

NEW BUSINESS

OAR 820-001-0025

Ms. Lopez briefly mentioned the revisions to this rule will assist in locating expert reviewers. AAG Lozano suggested filing the rule as temporary and proposed permanent and provided a brief summary on the contracting laws. After discussion, it was moved and seconded (Boyd/Duquette) to move forward with the temporary and permanent rulemaking process for OAR 820-001-0025. The motion passed unanimously. There was no further discussion.

BOARD MEMBER COMMENTS

Mr. Aldridge commented on a drone presentation he attended. Mr. Singh was also in attendance. From that presentation, it appeared that the majority of the audience were not aware of the regulated photogrammetry profession and believes the Board has some work to do. After an extensive discussion, President Kent created the Photogrammetry and Remote Sensing Task Force; members are – Chair Chris Aldridge, Logan Miles, and Ron Singh.

Mr. Hoffine commented on the name of the “Law Enforcement Committee” and stated his preference to “Compliance Committee” for the Board to consider. Suggestions given included; Compliance, Regulation, Regulatory, and Regulatory Compliance. President Kent requested this matter to be placed on the November Board agenda under Unfinished Business.

ADJOURN

The meeting was adjourned at 2:04 p.m.

November 2012 ACTION ITEMS:

- Draft an RFP for research and consulting services to better understand the public’s perception of OSBEELS.

March 2013 ACTION ITEMS:

- Complete CA Geotechnical examination contract – awaiting a return draft from California.

NEXT MEETING

November 8, 2016



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September 13, 2016 Board Meeting

The following consent agenda is presented for the September 13, 2016 meeting of the Oregon State Board of Examiners for Engineering and Land Surveying. Items may be removed from the consent agenda on the request of any one member. Items not removed may be adopted by general consent without debate. Removed items may be taken up either immediately after the consent agenda or placed later on the agenda at the discretion of the Board President.

Item #	In the matter of:	Action:
1	Approve September 13, 2016 Board meeting agenda.	<u>Motion/Second</u> <u>(Boyd/Zuniga)</u>
2	Approve July 12, 2016 Board meeting minutes.	<u>Motion/Second</u> <u>(Boyd/Zuniga)</u>
3	Approve August 11, 2016 LEC meeting minutes.	Removed by Singh. To be considered during the November 2016 Board meeting.
4	Approve August 12, 2016 EQC meeting minutes.	<u>Motion/Second</u> <u>(Boyd/Zuniga)</u>
5	Approve August 12, 2016 ERC meeting minutes.	<u>Motion/Second</u> <u>(Boyd/Zuniga)</u>
6	Approve August 12, 2016 FC meeting minutes.	<u>Motion/Second</u> <u>(Boyd/Zuniga)</u>
7	Approve August 12, 2016 OSETF meeting minutes.	<u>Motion/Second</u> <u>(Boyd/Zuniga)</u>
8	Approve August 12, 2016 PPC meeting minutes.	Removed by Duquette. <u>Motion/Second</u> <u>(Kent/Aldridge), as amended.</u>
9	Approve August 12, 2016 RRC meeting minutes.	<u>Motion/Second</u> <u>(Boyd/Zuniga)</u>
10	Approve Registration Approval List.	<u>Motion/Second</u> <u>(Boyd/Zuniga)</u>
11	Approve EQC Final Orders.	<u>Motion/Second</u> <u>(Boyd/Zuniga)</u>
12	Approve LEC Final Orders.	<u>Motion/Second</u> <u>(Boyd/Zuniga)</u>