



Oregon

STATE BOARD OF EXAMINERS
FOR ENGINEERING &
LAND SURVEYING

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Minutes of Meeting May 10, 2016

CALL TO ORDER

Vice President Duquette called the meeting to order at 9:08 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
Bill Boyd
Shelly Duquette
Ken Hoffine
Logan Miles
Ron Singh
Dave Van Dyke
Amin Wahab
Oscar Zuniga

Members absent:

Christopher Aldridge (excused)

Others Present:

Mari Lopez, Administrator
Jenn Gilbert, Executive Assistant
Katharine Lozano, Assistant Attorney General
Bob Neathamer, PLS
James R. (JR) Wilkinson, OSBEELS Investigator
Lisa Montellano, OSBEELS Investigator
Brianna Weekly, OSBEELS Registration Staff

PUBLIC INPUT

There was no discussion.

BOARD CONSENT AGENDA

President Kent added to the May Board Agenda: the Oregon Specific 4-hour Land Surveying Examination Report under Item 7 - Oregon Specific Examination Task Force and Case #2937,

Woldendorp under Item 10 - Law Enforcement Committee. It was moved and seconded (Kent/Duquette) to approve the May Board Agenda. The motion passed unanimously.

Mr. Singh noted revisions that need to be made for additional clarity in the Law Enforcement section. It was moved and seconded (Kent/Wahab) to approve the March 8, 2016 Board meeting minutes, as amended. The motion passed unanimously. There was no further discussion.

It was moved and seconded (Kent/Duquette) to approve the March 21, 2016 Special Board meeting minutes. The motion passed unanimously. There was no further discussion.

President Kent then pulled item #5 from the Consent Agenda. It was moved and seconded (Kent/Singh) to approve the remaining items #4, #6-13 on the Consent Agenda (Attachment A). The motion passed unanimously. There was no further discussion.

A minor revision on the time noted in the minutes of the Digital Signatures Task Force (DSTF) meeting was made. It was moved and seconded (Kent/Zuniga) to approve the DSTF meeting minutes, as amended. The motion passed unanimously. There was no further discussion.

ADMINISTRATOR'S REPORT

Ms. Lopez reported that the Examinations and Qualifications Committee (EQC), External Relations Committee (ERC), Finance Committee (FC), Law Enforcement Committee (LEC), Professional Practices Committee (PPC), Rules and Regulations Committee (RRC), DSTF, and the Oregon Specific Exam Task Force (OSETF) each met during the interim and that the minutes are made part of the record.

Colonial States Boards for Surveyor Registration (CSBSR)

Ms. Lopez informed the Board that OSBEELS and the CSBSR finalized an amendment to the Mapping Sciences Exam Agreement in April. There was no further discussion.

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

Ms. Lopez noted that a JCC meeting was held on May 5, 2016. The minutes of the October 1, 2015 meeting were approved and provided. There was no further discussion.

2016 National Council of Examiners for Engineering and Surveying (NCEES) Western Zone Meeting

Ms. Lopez reported that from May 19-21, 2016, she will be attending the Western Zone meeting in Anchorage, Alaska with President Kent, Ms. Duquette, Mr. Van Dyke, Mr. Hoffine, and Mr. Wahab. During the meeting, nominations will be presented for NCEES President-Elect, Western Zone Vice President, Western Zone Assistant Vice President, Western Zone Representative to the NCEES Nominations Committee, and the Western Zone Alternate Representative to the NCEES Nominations Committee. Details were provided to the members in the Board packets. After a brief discussion, it was the consensus of the members not attending the meeting to support the decisions made by the members present at the Western Zone meeting. There was no further discussion.

NCEES 95th Annual Meeting

Ms. Lopez informed the members that the NCEES 95th Annual Meeting will be held from August 24-27, 2016, in Indianapolis, Indiana. President Kent and Ms. Duquette will attend as NCEES funded delegates. Mr. Miles, Mr. Singh, and Mr. Wahab showed interest and will check their schedules. Ms. Gilbert will also reach out to Mr. Aldridge to see if he is interested and if his schedule permits.

Semi-Independent Agency Biennial Reports

Ms. Lopez reported that the OSBEELS' report was submitted on March 31, 2016, pursuant to ORS 182.472. There was no further discussion.

Professional Engineers of Oregon (PEO)

Ms. Lopez mentioned that OSBEELS Registration and Accounts Department staff managed a booth during the PEO's 2016 Annual Conference held on May 5-6, 2016. The theme of the conference was "Engineers Lead Safety."

Oregon Association of County Engineers and Surveyors (OACES)

A request from the OACES was received for OSBEELS Regulation Department staff to present at their 2016 Spring Conference. An "OSBEELS Update & Law Enforcement Process" presentation was given on May 9, 2016 in Hood River. Mr. Wilkinson reported that a portion of the presentation touched on the need for expert reviewers and an overview of that process. Mr. Singh was curious on the responses to this topic and wondered if the opportunity was open to all surveyors or just county surveyors. Mr. Wilkinson stated that there was discussion on the indemnification clause, the geography, and the specific skill sets for case review. AAG Lozano suggested a few revisions that could be made to the Request for Qualifications (RFQ) to address the concern related to the indemnification clause, but also explained that there cannot be mirror-indemnification from the Board because the Oregon State Constitution prohibits it.

Board Vacancies

Ms. Lopez briefly noted that the Governor's Office has yet to fill the engineering position vacated by Mr. Burger (ORS 672.240(1)(c)).

Staffing

Ms. Lopez included training and development of staff in her report. She also reported that Bailey Weissenfels began employment on April 1, 2016 as the third Administrative Specialist 2 in the Registration Department and Christina Ulberg began employment on April 18, 2016 as the third Compliance Specialist 2 (Investigator) position in the Regulation Department. The HR Manager position is also now vacant. A brief discussion was held on the vacant positions and moving forward to fill vacancies. President Kent noted that the Communications Specialist is a vital position with demanding responsibilities and deadlines. Ms. Lopez stated that the position description has been revised for the next announcement. There was no further discussion.

PRESIDENT'S REPORT

President Kent informed the members that he has been working on an attendance policy. He briefly went over the policy and noted that it is consistent with the Governor's Policy. The draft

will be distributed to the members for additional input prior to the July Board meeting for final approval.

President Kent reported on his presentation at the PEO 2016 Annual Conference held on May 5-6, 2016. He covered the changes to registration since the passing of Senate Bill (SB) 297-A. After the presentation, he was asked about the regulation of software engineering. He reminded the members that about 3 years ago, a petition was made to add this branch. Ms. Lopez noted that some states have begun to recognize this branch.

President Kent then made a plea for assistance with the 2016 Symposium and wanted to hold more discussion during the ERC portion of the agenda.

President Kent closed his report with thanking Ken Hoffine for his many years of service on the Board. This is the last official Board meeting of Mr. Hoffine's terms and President Kent expressed his hope that Mr. Hoffine will stay on until the position is filled.

EXAMINATIONS AND QUALIFICATIONS COMMITTEE

Dawes, John – Settlement Agreement

Ms. Duquette summarized the agreement terms with Mr. Dawes for his failure to comply with a requested Continuing Professional Development (CPD) grace period. It was moved and seconded (Van Dyke/Duquette) to approve the Final Order Incorporating Settlement Agreement. The motion passed unanimously. There was no further discussion.

Dierking, Brian – Withdraw Notice of Intent (NOI)

Ms. Duquette noted that Mr. Dierking finally submitted documentation after the deadline given by staff. Mr. Dierking had requested a CPD grace period and failed to submit timely proof that he had completed the required PDH during the grace period, but when he did eventually submit his proof, he demonstrated having obtained all the required PDH during the grace period year. After a brief discussion, it was moved and seconded (Miles/Zuniga) to withdraw the NOI. The motion passed unanimously. There was no further discussion.

Leonard, Milton – Withdraw NOI

Staff received a death certificate for Milton Leonard. As a result, it was moved and seconded (Miles/Duquette) to withdraw the NOI. The motion passed unanimously. There was no further discussion.

Lambert, Michael – Consider Proposed Order

The Committee exited its public meeting pursuant to ORS 192.690(1) for private deliberation on a contested case. All members of the audience were asked to leave the room for these deliberations and were invited to return upon resumption of the public meeting. Upon returning to public meeting, it was announced that no decisions were made and no votes were taken.

It was moved and seconded (Duquette/Singh) to adopt the proposed order as a final order once the statutory exceptions period had run, as long as Mr. Lambert filed no exceptions. The motion passed unanimously. There was no further discussion.

Denial Recommendations

Ms. Duquette provided a little history of the examinations needed to qualify for structural engineering registration. She also touched upon the recommended denials for individuals who are currently registered in other states, but passed examinations for registration that do not qualify them for registration in Oregon, per OAR 820-010-1010. The most common examinations in this scenario have been the SE I (only) and a PE examination with no branch specified. AAG Lozano noted, as she has previously, that the Board could consider revising its rules, but under the rules adopted by the Board that are currently in effect, these examinations do not qualify individuals for registration in Oregon. Ms. Weekly briefly gave information on several states that do not record the specific branch examined and the retention of the information held by NCEES. At this time, there was no interest among the Board members in revising the current rules. However, staff was directed to reach out to the other boards for input on how they proceed when faced with applications containing “undesigned branch” examinations passed for discussion during the June EQC meeting. Based on the information gathered, the Board may reconsider revising its rules.

It was moved and seconded (Duquette/Zuniga) to approve the EQC Denial Recommendations.
The motion passed unanimously. There was no further discussion.

OREGON SPECIFIC EXAMINATION TASK FORCE

Exam Policy discussion

Mr. Miles reported that the exam liaisons for the Oregon Specific examinations were invited to the meeting to discuss and create a cohesive and standardized Exam Policy for the exam teams.

Mr. Neathamer noted that he had no concerns with the draft Policy, with one exception. He informed the Board that he is not comfortable with and would not be signing the Work Agreement because in it the exam team liaison is responsible for the actions of the entire exam development team. He added that Volunteer Agreements are submitted for each administration and that should cover any concerns. Further, he suggested that, since other states are moving to computer based testing for state specific examinations, maybe Oregon should consider moving in that direction.

Discussion then moved to the timelines in the draft Policy; specifically, with the timeline given for the scoring, scoring appeals and the potential for an applicant to re-apply for an examination. It was noted that an examinee has 10 days to submit comments related to the examination and the administration which may have an effect on the scoring. Therefore, scoring cannot even begin until the comment deadline has passed. Mr. Neathamer explained the process used with the Oregon Specific 4-hour Land Surveying examination team. Ms. Lopez added that the use of GovSpace may aid with timing concerns. GovSpace has different confidentiality and security levels and can be accessed from any internet connected device. Mr. Noxon requested that the goals and issues of the Task Force that need to be addressed are clearly outlined. He recalled discussions held in the past with regard to the same matter. An example given was that staff was going to retrieve the examination questions and answers, along with the working papers to be held in the Board office. Staff was to look into a fire-proof secure method of storing these papers. Another matter Ms. Lopez pointed out is that the forest engineering team liaison has

signed the Work Agreement whereas the exam team liaison for the Oregon Specific 4-hour Land Surveying examination will not: the acoustical engineering exam team liaison has not stated either way. It is hard to please all parties.

AAG Lozano suggested that the OSETF discuss these comments during the next meeting in June. In the meantime, she suggested that the exam team liaisons could submit ideas and changes the exam teams would be comfortable with for the OSETF to consider, as they have not yet had a consensus on the ideas and changes suggested by the OSETF. She also suggested that Ms. Duquette assist the OSETF with her knowledge of exam development from her previous and current experience working on various structural examinations.

A 2-hour work session was scheduled to be held during the June committee meetings: Friday, June 10, 2016, at 2:00 p.m. – 4:00 p.m. In addition to the exam team liaisons, Ms. Duquette will also participate in the work session.

Oregon Specific 4-hour Land Surveying Examination Report

Mr. Neathamer gave his report on the Oregon Specific 4-hour Land Surveying Examination administration held on April 16, 2016. Of the 25 examinees that sat for the examination, 16 passed with a score of 70 points or greater (OAR 820-010-2010(4)). Mr. Neathamer has also delivered the graded examinations, grader's keys, resultant examination grader's sheet and the signed Volunteer Agreements. There was no further discussion.

EXTERNAL RELATIONS COMMITTEE

Oregon Examiner – CWRE Article

Mr. Wahab briefly summarized the article presented on the Certified Water Right Examiners (CWRE) Workshops provided by the Water Resources Department. Staff noted that the additional information requested by the ERC was added to the second paragraph. It was moved and seconded (Wahab/Zuniga) to approve the CWRE article for publication. The motion passed unanimously. There was no further discussion.

2016 OSBEELS Symposium – September 16, 2016

President Kent reminded the members that the position responsible for putting on the Symposium is vacant. Since Ms. Lopez and Ms. Gilbert have taken on the additional duties, he reached out to the members for any input. Staff reported that a deposit and contract has been sent to reserve the venue, and that the state's publishing and distribution has been contacted for graphic design services. At this time, determining topics of interest to the professions and speakers would be most helpful, but a general "water" theme has been proposed. Additional discussion will be held during the June ERC meeting.

FINANCE COMMITTEE

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

LAW ENFORCEMENT COMMITTEE

Ms. Duquette expressed confusion due to two respondents who were both named "Moore." Ms. Gilbert explained that the LEC recommended withdrawing the Notice of Intent (NOI) for Lee

Moore in case #2946. In Ray Moore case #2948, however, the LEC minutes recorded that staff received additional information and as a result, the case was removed from Board consideration and will return to the LEC in June for further review.

2934 - Larsen

Mr. Boyd summarized the informal conference held with Thomas Larsen and his attorney regarding violations of practicing engineering with a license and applying a fraudulent seal to 55 sets of plans as a City of Eugene traffic engineer. As a result of the informal conference, the LEC recommended the Board consider entering into a settlement agreement with the following terms - To impose the entire \$55,000 civil penalty, suspending all but \$13,750, the remainder to be satisfied if he meets the following requirements:

- Within 12 months, Mr. Larsen must successfully complete a 3 semester credit hour (or equivalent quarter credit hour) engineering ethics course from an accredited Oregon institution;
- Within 60 days from the issuance of the Final Order, Mr. Larsen must submit evidence satisfactory to the Board of all professional development hours obtained for each biennium from January 1, 2007 forward; and
- If for any biennium from January 1, 2007 forward, Mr. Larsen is unable to satisfactorily demonstrate he obtained 30 PDH for the biennium, then within 12 months from the issuance of the Final Order, he must obtain all deficient PDH and provide evidence satisfactory to the Board of having completed the deficient PDH.
- Pay the unsuspending amount of \$13,470 timely and in full.
- Lastly, Mr. Larsen must have no further violations of Oregon rules or laws within the Board's jurisdiction for a 5 year period.

It was moved and seconded (Boyd/Duquette) to approve the Settlement Agreement and terms. The motion passed unanimously. There was no further discussion.

2937 – Woldendorp

Mr. Boyd briefly summarized the case involving Thomas Woldendorp. Mr. Woldendorp is registered in Washington and not registered in Oregon but performed a topographic survey in Oregon. He affixed his Washington seal on the Oregon topographic survey. The LEC issued a NOI for \$500 for violation of ORS 672.045; Mr. Woldendorp did not contest and submitted a check to pay the civil penalty. It was moved and seconded (Hoffine/Boyd) to issue a Default Final Order. The motion passed unanimously. There was no further discussion.

2946 – Lee Moore

President Kent summarized the case involving Lee Moore, PLS, CWRE, by noting that Mr. Moore submitted twelve surveys while his registration was delinquent. Further investigation found that Mr. Moore had not successfully renewed his registration due to an incomplete CPD Grace Period Form, which he had submitted but misunderstood. Mr. Moore attended the informal conference and explained that he had completed the required CPD hours, but was unable to access his records at the time of renewal. He thought he was requesting a grace period to produce the details of the PDH he had already acquired, not to obtain PDH. Upon evaluation of submitted documents, Mr. Moore had completed 36.5 PDH units with a carry-over of six PDH units. The LEC recommended withdrawing the NOI and issuing a letter of concern. It was

moved and seconded (Boyd/Van Dyke) to withdraw of NOI. The motion passed unanimously. There was no further discussion.

2949 – Gabriel Williams

Mr. Boyd summarized the case involving Gabriel Williams, owner of Resource Specialists, Inc., who is an EI and employs Hayes McCoy, PE, PLS, CWRE. Mr. McCoy also operates his own professional firm, and he owns the building occupied by Mr. Williams, so questions arose about plan stamping and OAR 820-010-0720 compliance. While there had been concern that Mr. Williams was engaged in the unlicensed practice of engineering, Mr. McCoy seemed to be in responsible charge of Mr. Williams's projects. AAG Lozano clarified that no evidence demonstrated they were not in compliance; there was no evidence to satisfy a plan stamping violation. It was moved and seconded (Boyd/Hoffine) to close the case as insufficient evidence. The motion passed unanimously. There was no further discussion.

2962 – Shawn Kampmann

Before discussion began, Mr. Zuniga announced that because both the complainant and respondent were former employees of the company he is currently with, he would abstain from voting. Mr. Boyd summarized that Mr. Kampmann was contacted to survey a property line for the installation of a deer fence in Ashland, OR. The two neighbors were cooperating on the venture. Mr. Kampmann set a temporary marker to assist them and did not file a map. Ms. Duquette asked what would happen if the landowners were constructing a permanent fence. Would the recommendation be the same? AAG Lozano explained that the fence was the outcome, what was at issue here was important what the surveyor actually did. Mr. Miles noted that establishing the line was based on a fair amount of monumentation already established in the City. AAG Lozano clarified that the LEC found Mr. Kampmann had set a temporary marker, not a (permanent) boundary monument, so the filing requirement was not triggered. Mr. Wilkinson added that ORS 209.250(1) requires filing a survey when establishing or reestablishing a boundary monument. In this case, Mr. Kampmann elongated the boundary line and made a temporary mark on the sidewalk for the neighbors to align their fence. It was true that an iron rod was set, but it was done by the landowner to secure the string line. AAG Lozano also stated the issue of determining when a monument is permanent has been an ongoing debate among Board members and practitioners. President Kent then highlighted that no surveyors were on the LEC when the case was discussed. It was moved and seconded (Boyd/Hoffine) to close the case as allegations unfounded. The motion passed; Mr. Zuniga abstained. There was no further discussion.

2975 – John Short

Mr. Boyd stated that the LEC determined to close the case with a letter of concern, which was provided for review. The allegation was that Mr. Short was offering the services of a Certified Water Right Examiner (CWRE), but he was not certified as one. The ads for his work included water right transfers and permitting. The complainant also included allegations of Mr. Short making misleading statements. Upon investigation, Mr. Short was found to have worked under the supervision and control of a professional CWRE. The concern, therefore, was to clarify that his work was being supervised by a CWRE. He also needed to be cautious about representing himself as an electrical engineer. Ms. Lopez commented that there are no rules regarding the supervision and control for CWREs. AAG Lozano clarified that the rules for a CWRE are under

the purview of the Water Resources Department and not under OSBEELS control. It was moved and seconded (Boyd/Zuniga) to approve the letter of concern with a noted correction. The motion passed unanimously. There was no further discussion.

Wolden Referral to the DOJ Civil Enforcement Division

AAG Lozano recapped for the members that Timothy Wolden was initially before the Board for negligent engineering and untruthful statements. Mr. Wolden certified eight fire escapes for the University of Oregon's sororities and fraternities as complying with the City of Eugene fire escape codes. When the fire escapes were found not in compliance and Mr. Wolden found to have certified things he had not done, Mr. Wolden was issued a NOI to revoke his engineering registration and to assess a civil penalty. The revocation was negotiated down to a brief suspension period during which Mr. Wolden engaged in engineering practices (unlicensed practice). He paid the civil penalty for the initial NOI, but was then suspended and assessed a civil penalty for the unlicensed practice of engineering while suspended. This was a longer period of suspension. However, Mr. Wolden again practiced engineering during his suspension period (unlicensed practice). As a result, the Board revoked his registration and assessed him a civil penalty. Now, Mr. Wolden is before the Board once again for unlicensed practice when, after his registration was revoked, he represented himself as the engineer of record to a building official and provided engineering consultation. She explained that one of the few tools the Board has left was to file a civil injunction against Mr. Wolden to stop him from performing unlicensed engineering work and holding himself as an engineer. Under the Board's statutes, unlicensed engineering is also a crime, she added, so another option the Board has is to make a referral of Mr. Wolden's activity to the Clatsop County District Attorney's Office. She reported the DOJ Civil Enforcement Division as handling the injunction. In regards to the criminal referral, Mr. Wilkinson stated that, per the direction of the LEC, a complaint has been filed with Clatsop County Sheriff's Office. Mr. Boyd commented that if Mr. Wolden violates the injunction he can be arrested and jailed. Ms. Duquette asserted that, even if an injunction is issued, Mr. Wolden can work on exempt structures. AAG Lozano agreed generally, but noted it was also dependent on the wording of the injunction. President Kent asked about the timeline for the criminal case. AAG Lozano responded that it depends on the office. They also may decline to prosecute. There was no further discussion.

CPD Matrix

Mr. Boyd introduced the CPD Matrix as an internal tool the LEC uses to evaluate CPD cases. He pointed out the addition to include "Refusal to Cooperate." AAG Lozano endorsed the change noting the distinction between a *failure* to cooperate and a *refusal* to cooperate. President Kent commented the penalty was added for consistency because a registrant affirmatively refused to cooperate. The penalty was assessed, so the Matrix was updated. Mr. Boyd added that the penalty was set at the maximum allowed under law. Ms. Duquette asked whether in addition to the penalties a registrant is required to make-up the deficient units. For some, it might be cheaper to pay the penalty than take the classes. President Kent replied that not only is there the penalty, but there will also be a mark on your record about lying on Board documents. It's serious to submit false statements to the Board. Mr. Wilkinson verified that disciplinary action, even \$250, is reportable to other states. Any business decision should take these other factors into account. It was moved and seconded (Boyd/Van Dyke) to approve the revisions to the CPD Matrix. The motion passed unanimously. There was no further discussion.

RULES AND REGULATIONS COMMITTEE

OAR 820-010-0720

AAG Lozano summarized the proposed changes to OAR 820-010-0720 – Advertising for or Offering to Perform Services without Employing a Licensee or Certificate Holder; Engineering, Land Surveying and Photogrammetry Offices. Staff noted that enough comments were received in the previous version of the rule to remove it from the scheduled Rulemaking Hearing and it will not be considered as was originally proposed. The comments submitted were discussed and considered.

After additional discussion and extensive revisions, AAG Lozano drafted language that addresses the Board’s issues with, and interest in responding to the comments submitted on, “full-time” status and hours the registrant works along with bringing the language consistent with the exception in ORS 672.060(9). Language was also removed related to project offices, and added to address the rule’s inapplicability to licensed Construction Contractors, as Construction Contractors are addressed in OAR 820-010-0715. It was moved and seconded (Hoffine/Boyd) to begin the rulemaking process for OAR 820-010-0720. The motion passed unanimously. There was no further discussion.

OAR 820-010-0520

Mr. Hoffine summarized the proposed housekeeping revision to OAR 820-010-0520 – Registrants or Certificate Holders Not Qualified to Practice. After discussion, it was moved and seconded (Kent/Duquette) to begin the rulemaking process on OAR 820-010-0520, as presented. The motion passed unanimously. There was no further discussion.

UNFINISHED BUSINESS

Collaborative Rulemaking Process for Land Surveying

As follow up to the discussion held during the March Board meeting, AAG Lozano provided the rules and guidelines to assess the use of the collaborative process in rulemaking. For complex and/or controversial issues, the collaborative process is a beneficial process that many agencies use. It uses consensus building and any draft language is proposed by consensus of the various stake holders.

Briefly going through the assessment in OAR 137-001-0008, it would appear that the Board can positively answer the sections to consider this process for the drafting of standards for the land surveying practice. Another matter that could be addressed is regional differences with the land surveying practice. Further, a facilitator would be used to keep the process flowing and on track. AAG Lozano noted that the facilitator would be an outside third party, unaffiliated with land surveying, whose purpose would be to facilitate dialogue and consensus, not weigh in on practical, technical, or legal issues.

Right of Entry – Ryan Erickson

During the May Board meeting, a question was received from Ryan Erickson asking if the example he included of the two-sided business card satisfies the notice requirements of ORS 672.047. After a lengthy discussion regarding the confusion that may occur with having a right of entry notice on the backside of a business card or other obscure method of providing notice,

staff was directed to draft a response for review. After a few revisions to the draft response, it was moved and second (Van Dyke/Boyd) to send the response to Mr. Erickson, as amended. The motion passed unanimously. There was no further discussion.

Rulemaking

OAR 820-010-0615

OAR 820-010-5000

OAR 820-025-0005

No comments were received for the listed rules and as a result, it was moved and seconded (Kent/Boyd) to adopt OAR 820-010-0615, 820-010-5000, and 820-025-0005. The motion passed unanimously. There was no further discussion.

OAR 820-025-0015

PEO submitted comments on OAR 820-025-0015. AAG Lozano clarified that some of the comments submitted do not pertain to this particular rule but try to address the difference on how the architects and engineers are regulated. However, a change to address the comment on marking documents as not a final document would be acceptable to change at this time, without re-noticing, as it is not a substantial change. After discussion, it was moved and seconded (Kent/Duquette) to adopt OAR 820-025-0015 as revised. The motion passed unanimously. There was no further discussion.

LEGAL BRIEFING

AAG Lozano summarized the Attorney General Opinion 8291. This was a result of a court case and ensuing change to the Oregon Government Ethics Commission rules clarifying responsibilities with regard to Executive Sessions and penalties for failing to adhere to them. Executive Session can only be held for the purpose as noticed and the discussion must be focused on that purpose. For example, if the Executive Session is to discuss AAG advice received, the discussion cannot be held tangential to the advice, such as a pending law enforcement case that involves the issue addressed by the legal advice, unless the advice was specifically requested to address the legal issue as it pertains to that particular case.

BOARD MEMBER COMMENTS

Mr. Miles commented on the timing of information given to the members for review. Ms. Lopez noted that GovSpace was introduced for the April LEC meeting and that the transition to GovSpace will assist. Several members noted difficulty logging on to the site. With the June committee meetings, information will be available on GovSpace as completed.

President Kent also mentioned that he heard several comments at the PEO Annual Conference complimenting staff. Thanks to the Accounts and Registration Department!

ADJOURN

The meeting was adjourned at 3:58 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

July 12, 2016



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May 10, 2016 Board Meeting

The following consent agenda is presented for the May 10, 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 May 10, 2016 Board meeting agenda.	<u>Motion/Second (Kent/Duquette), as amended.</u>
2	Approve March 8, 2016 Board meeting minutes.	<u>Motion/Second (Kent/Wahab), as amended.</u>
3	Approve March 21, 2016 Special Board meeting minutes.	<u>Motion/Second (Kent/Duquette)</u>
4	Approve April 7, 2016 LEC meeting minutes.	<u>Motion/Second (Kent/Singh)</u>
5	Approve April 8, 2016 DSTF meeting minutes	<u>Motion/Second (Kent/Zuniga) as amended</u>
6	Approve April 8, 2016 EQC meeting minutes.	<u>Motion/Second (Kent/Singh)</u>
7	Approve April 8, 2016 ERC meeting minutes.	<u>Motion/Second (Kent/Singh)</u>
8	Approve April 8, 2016 FC meeting minutes.	<u>Motion/Second (Kent/Singh)</u>
9	Approve April 8, 2016 OSETF meeting minutes.	<u>Motion/Second (Kent/Singh)</u>
10	Approve April 8, 2016 PPC meeting minutes.	<u>Motion/Second (Kent/Singh)</u>
11	Approve April 8, 2016 RRC meeting minutes.	<u>Motion/Second (Kent/Singh)</u>

Item #	In the matter of:	Action:
12	Approve Registration Approval List.	<u>Motion/Second</u> <u>(Kent/Singh)</u>
13	Approve EQC Final Orders.	<u>Motion/Second</u> <u>(Kent/Singh)</u>