



# Oregon

**State Board of Examiners for  
Engineering & Land Surveying**

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## EXAMINATIONS & QUALIFICATIONS COMMITTEE

Minutes of Meeting

April 11, 2014

### Members present:

Steven Burger, Chair

Anne Hillyer

Jason Kent

### Staff present:

Mari Lopez, Administrator

Jenn Gilbert, Executive Assistant

Matt Bryan

Jennifer O'Neill

Joy Pariente

### Others present:

Warren Foote, Assistant Attorney General

Ken Hoffine (Observer)

The meeting of the Examinations and Qualifications Committee meeting was called to order at 9:31 a.m. in the OSBEELS Conference Room at 670 Hawthorne Avenue SE, Suite 220, Salem, OR 97301. Ms. Hillyer chaired the meeting, due to Mr. Burger's commitment as the substitute chair at the previous day's Law Enforcement Committee (LEC) meeting.

### **Public Comment**

There was no public comment.

### **Unfinished Business**

#### **CPD Clarification – Cornforth, Derek H.**

Mr. Cornforth's question was previously addressed during the February 14, 2014 Committee meeting. He requested the Board consider increasing the maximum allowable professional development hours (PDH) for authoring a book. Mr. Cornforth suggested a maximum of 40 PDHs instead of the current maximum of 10. Mr. Kent said it depends on the type of book written – for example, an English textbook shouldn't count toward engineering PDHs. Mr. Burger said there would also be an issue regarding when to grant the PDHs – would it be during the research process or the writing process? He also asked what should be done if the book takes years to complete and spans multiple renewal periods.

Mr. Burger also brought up the issue of authoring a book if it is an expected part of their employment. If an academic writes a textbook, is that claimable for PDHs or is it exempt under the restriction against receiving PDHs for employment-related tasks? Mr. Kent mentioned that academics are often expected to do their professional writing while on sabbatical or outside their work hours. However, Ms. Hillyer explained that academics are often expected to publish their writings as part of their professional position.

Mr. Kent said it doesn't seem equitable that a four-hour presentation can be worth up to eight PDHs, but an entire book is only worth 10. If one semester hour is worth 45 PDHs, Mr. Kent asked if completing a college course could be considered an equivalent commitment and effort to authoring a book.

Mr. Kent suggested making authoring or co-authoring a book a separate category in rule instead of combining it with papers or articles to differentiate the levels of effort required to complete each task. AAG Foote asked if the same credit would apply to an individual who authored a chapter of a book versus or an entire book. Mr. Kent said the Board could review the writings to determine the approximate time and effort dedicated to the project. Ms. Hillyer said the Board would also need to consider the difference in effort between authoring a book and compiling or editing a book. She suggested considering the hours spent on the project, rather than a particular project. Mr. Burger said he felt as though the hours claimed for the project would always be in excess of the PDHs allowed, but noted that Staff does an excellent job of reviewing PDHs claimed and determining the appropriate amount of allowable credits compliant with the rule. Mr. Kent pointed out that there is no way for the rule to directly address every possible situation that may arise.

Ms. Lopez offered to ask other member boards about their rules pertaining to authoring or co-authoring books. The Committee determined to review the responses from other member boards and address this issue further during the June Committee meeting.

## **New Business**

### **Question Form – Ian Feltis**

Mr. Feltis submitted the Question Form to inquire if the Board would consider validating his results from his Fundamentals of Engineering examination, which became null and void when he failed to complete his educational requirements within the four months dictated by the former OAR 820-010-0225. Mr. Feltis was among a group of applicants authorized to submit affidavits from the registrar in lieu of their transcripts. The affidavit for Mr. Feltis was received, but it showed a September 6, 2013 conferral date. No additional information was provided by the university except an official copy of his transcripts, which also showed a September 6, 2013 conferral date. Mr. Feltis explained that he was unable to finish his degree in June 2013, as planned, but completed the degree via summer courses in August 2013. He said he was under the impression that if he completed the coursework by September 1, 2013, he would be able to receive his examination results. However, his degree was not conferred by Oregon State University until September 6, 2013 – after the deadline. Mr. Bryan explained that Mr. Feltis submitted unofficial documentation showing completion of the educational requirements in advance of the deadline, but no official validation of course completion from OSU has been received. After discussion, the Committee recommends the Board deny Mr. Feltis' request to validate his FE results, in accordance with Oregon Revised Statute (ORS) 672.105. There was no further discussion.

## OAR 820-020-0445

*LaLonde, Kristen M.* – Ms. LaLonde indicated on her FE application that she is currently practicing or offering to provide engineering services for projects in Oregon. She explained in a follow-up letter that she is working as a project engineer where she reviews technical studies regarding building energy efficiency to ensure the calculations are sound and accurate. She added that she had previously worked as an associate planning engineer and measured development and analyzed energy savings for equipment upgrades in homes and businesses. Mr. Bryan said that this question has caused some issues for applicants. Mr. Kent said he feels the question is misleading because a “right” answer isn’t clear. He said applicants may think that performing engineering tasks makes them more likely to be approved to sit for the examination. He added that if the work is performed under a registered professional engineer and the applicant is properly supervised, it would count as qualifying engineering work. Ms. Hillyer noted that when she applied to take the professional photogrammetry examination, experience in photogrammetry was a requirement. Ms. Lopez said this question serves to inform OSBEELS of potential issues with individuals or employers regarding the unlicensed practice of engineering or land surveying.

Mr. Kent asked if it would be possible to send a Letter of Concern to Ms. LaLonde explaining that her work must be performed under the supervision of a registered professional engineer and that she cannot use the term “engineer” in her job title without registration. Ms. Lopez said that correspondence needs to come from the LEC. She explained that, in cases like this and a few that were recently addressed by the LEC, a preliminary investigation is conducted to gather information regarding the individual and the practices of their employer. She said only one of the four cases discussed by the LEC during its April 10, 2014 meeting resulted in opening a law enforcement case. As a member of the LEC, Mr. Burger explained that affirmative answers to this question offer the opportunity to discuss industrial exemptions and review company procedures. Ms. Lopez added that it is an opportunity to educate companies about proper title use. She said she received a number of phone calls from engineers who changed their interns’ titles after the recent *Oregon Examiner* article about legal use of the term “engineer.” After discussion, the Committee determined that Regulatory Department Staff will conduct a preliminary investigation into this situation to present to the LEC during its June meeting. There was no further discussion.

*Marlia, Jordan V.* – Mr. Marlia indicated on his FE application that he is currently practicing or offering to provide engineering services for projects in Oregon. Mr. Marlia also identified himself as a project engineer and said he drafts and engineers plans for projects at his firm. Mr. Kent said, based on his employment description, that Mr. Marlia is receiving the appropriate oversight on these tasks. Ms. Lopez said that a preliminary investigation would ensure that the definition of responsible charge was being met by Mr. Marlia’s employer. After discussion, the Committee determined that Regulatory Department Staff will conduct a preliminary investigation into this situation to present to the LEC during its June meeting. There was no further discussion.

## Take at Home Questions

After the discussion of the Committee’s Mission, Functions and Goals statement during the February 14, 2014 meeting, members requested to review the questions and answers used for the online Take at Home examination that individuals seeking professional registration are required

to complete. Mr. Bryan noted that a number of changes were made to the questions and answers to ensure the proper rules and statutes were cited after recent changes. Committee members recommended changing the use of “they” throughout the examination to “individual” or “applicant” for clarity. The Committee members approved of the variety of questions provided. After review, the Committee recommends the Board approve the question and answer bank for the Take at Home examination. There was no further discussion.

### Forms

After the discussion of the Committee’s Mission, Functions and Goals statement during the February 14, 2014 meeting, members requested copies of the current Committee-related forms. Mr. Burger asked about the difference between the FE/FLS Long Form and Short Form applications. Mr. Bryan explained that the Long Form is for individuals applying with a combination of education and experience or a non-accredited degree and the Short Form is for those with accredited degrees or are in senior status at their college or university. The Committee members approved of the forms being used by the agency. There was no further discussion.

### **Review of Applications**

#### Comity Applications

*Bredeweg, Sally Sue* – Ms. Bredeweg submitted an application for registration as an agricultural engineer by comity. Her official verification from the State of Colorado Division of Registrations – Professional Engineers and Professional Land Surveyors (CO) indicates that she passed a Colorado state-specific FE examination in 1975. At that time, OSBEELS administered the NCEES FE examination. The CO board did not provide information regarding the content of their examination in 1975 and NCEES does not have records of the content of its examinations at that time. Therefore, Staff was unable to determine if the CO FE examination is substantially equivalent to the examination offered by Oregon in 1975. Ms. Bredeweg passed the NCEES agricultural PE examination in Kansas in 1997. After discussion, the Committee recommends the Board consider the CO FE examination Ms. Bredeweg passed in 1975 as substantially equivalent to the FE examination required by OSBEELS in 1975. There was no further discussion.

*Speer, Gregory C.* – Mr. Speer submitted an application for a mechanical PE registration by comity. Mr. Speer has provided an official verification from the Texas State Board (TX) verifying his successful passage of the NCEES 8-hour architectural engineering PE examination. However, in accordance with OAR 820-010-0450, OSBEELS does not offer the architectural engineering discipline.

Mr. Speer’s NCEES record demonstrates more than four years of mechanical engineering experience and Mr. Kent noted that much of this experience is in areas examined during the mechanical PE examination. Mr. Kent compared the architectural engineering PE syllabus from NCEES with the syllabus of the mechanical engineering PE. He said it appeared that all of the areas tested for mechanical engineering are also tested for architectural engineering. He also said he felt that Mr. Speer’s application shows a high level of competency in mechanical engineering. After discussion, the Committee recommends the Board consider Mr. Speer’s mechanical engineering experience and successful passage of the NCEES 8-hour architectural

PE examination as qualifying for registration in Oregon as a mechanical engineer. There was no further discussion.

*Thompson, Carl E.* – During the review of Mr. Thompson’s application, Mr. Bryan discovered multiple violations listed in the NCEES Enforcement Exchange database. Mr. Bryan noted that the comity application used by Mr. Thompson was a previous form and did not require applicants to disclose previous violations. The Regulation Department conducted a preliminary investigation of Mr. Thompson to determine the situations surrounding these violations. On August 14, 2002, the Tennessee Board found that Mr. Thompson “engaged in the practice of architecture.” They found he practiced outside his area of competency and, therefore, was negligent and/or incompetent, which is similar to OAR 820-020-0015(1). He received a letter of caution from the Tennessee Board, a \$500 civil penalty and had to pass an ethics examination. He subsequently received reciprocal disciplinary action from Kentucky, New Jersey, Colorado, South Carolina, Pennsylvania and Oklahoma. Kentucky revoked his license as a result of him failing to respond to their inquiries regarding the Tennessee violation. There was an additional violation in South Carolina for stamping plans with a lapsed license, which resulted in a letter of caution. Mr. Thompson’s license is currently active in all of the states listed above, except Kentucky. During a telephone call with the Committee, Mr. Thompson explained that he is in the process of having his Kentucky license reinstated. Mr. Thompson also clarified that, with the exception of the one South Carolina violation, all the violations listed on the Enforcement Exchange were reciprocal and not unique violations. He has also been granted licensure without issue in North Dakota and New Hampshire since these violations were reported. AAG Foote pointed out that Mr. Thompson has 30 years of experience and he was truthful with the Board on his application. He explained that the Committee had two options: If the quantity and type of violations concerned the Committee members in regards to the safety of Oregonians they could recommend the Board deny Mr. Thompson’s application or if they weren’t concerned about Mr. Thompson’s ethical or professional commitment they could recommend the Board approve Mr. Thompson’s application. Ms. Hillyer asked if any of Mr. Thompson’s violations would be grounds for reciprocal action in Oregon. AAG Foote explained that Mr. Thompson’s application could be denied based on his violation of Oregon’s rules in other states. Mr. Kent pointed out that Mr. Thompson had two unlicensed practice violations, but those only resulted in minor sanctions. Mr. Burger added that he was currently in good standing with the boards that took action and is in the process of reinstating his Kentucky license. After the telephone call with Mr. Thompson and additional discussion, the Committee recommends the Board approve Mr. Thompson’s comity application. Staff will include his name on the comity approval list for the May Board meeting. There was no further discussion.

*Wahl, Edward F* – Mr. Wahl submitted an application for a chemical PE registration by comity. He provided five references; one of whom holds registration in an NCEES jurisdiction. However, the one PE reference provided is Mr. Wahl’s neighbor and has no knowledge of his engineering work. His non-registered references verify having knowledge of 12 years and one month of Mr. Wahl’s engineering work. Mr. Wahl is requesting a waiver of the three registered references described in OAR 820-010-0200(2)(b). Mr. Kent pointed out that the reason the Board requires registered professionals as references is because they have a legal responsibility to be truthful in their statements to the Board, but there isn’t the same assurance with or authority over non-registered individuals providing references.

Ms. O'Neill mentioned that the reference forms completed were vague, but were accompanied by letters of recommendation from the references. Ms. Hillyer noted that the references provided don't actually attest to his quality of work. Mr. Burger said these references seem to provide more of a qualification of character and Mr. Wahl's ability to effectively deliver a requested design product. However, Mr. Burger said he would accept these references because they show confidence in the quality of Mr. Wahl's work. After discussion, the Committee recommends the Board approve Mr. Wahl's request for a waiver of the requirements outlined in OAR 820-010-0200(2)(b). There was no further discussion.

**Staff Update:** Staff received a *revised* verification from Ohio related to Mr. Wahl's examination history. The verification had a correction indicating that Mr. Wahl did not take the NCEES PE examination in 1962 as noted because this examination wasn't available until 1967. Instead, he took a state-specific PE examination, but no information on the content of this examination was available to review to determine substantial equivalency. **Staff request the Board discuss the examination information provided for substantial equivalency.**

### 1<sup>st</sup> Registration Applications

*Hwang, Sungjin* – Mr. Hwang submitted an application for registration as a civil engineer by 1<sup>st</sup> Registration. The official NCEES Credential Evaluation indicates that his Bachelor of Science in Mechanical Engineering from Seoul National University is deficient “9 semester credit hours in engineering sciences and design.” Therefore, this degree doesn't “fulfill the required curricular content of the NCEES Engineering Education Standard.” The Committee had the option of considering Mr. Hwang's degree as substantially equivalent to degrees from institutions listed in OAR 820-010-0225, as allowed by OAR 820-010-0227(2) or to require him to complete the nine credits needed or the 12 years of experience required to apply without a degree.

The Committee discussed the conversion of education to experience. Mr. Burger asked if the Committee always viewed time in school to translate directly into years of experience with a two-to-one conversion rate. Mr. Kent said this didn't seem accurate, as a two-year upper-level degree is only worth one year of experience. However, Staff noted that this was the education to experience conversion rate used by the Committee for past applicants. The Committee used the amount of math and science credits completed to determine the number of years Mr. Hwang spent in school doing work related to engineering.

Using the two-to-one conversion rate, the Committee determined that Mr. Hwang would have to either complete the nine credit hours in which he is deficient or acquire two additional years of experience. Mr. Kent suggested designing a matrix to use in the future to maintain consistency with the way the Board determines the conversion between education and experience. After discussion, the Committee recommends the Board deny Mr. Hwang's application for registration by 1<sup>st</sup> Registration. There was no further discussion.

*Ryu, Je Kwan* – Mr. Ryu submitted an application for a civil PE registration by 1<sup>st</sup> Registration. The official NCEES Credential Evaluation indicates that his degree from the University of Seoul does not include a course in differential equations. The Committee had the option of considering Mr. Ryu's degree as substantially equivalent to degrees from institutions listed in OAR 820-010-0225, as allowed by OAR 820-010-0227(2) or to require him to complete the nine credits needed or the 12 years of experience required to apply without a degree.

Mr. Kent said an understanding of differential equations is critical to understanding the application of physics to engineering operations. Mr. Ryu's application demonstrates four years and seven months of qualifying experience. Using the two-to-one conversion rate, the Committee determined that Mr. Ryu would have to either complete a course in differential equations or acquire two years and five months of experience. After discussion, the Committee recommends the Board deny Mr. Ryu's application for registration by 1<sup>st</sup> Registration. There was no further discussion.

The meeting adjourned at 11:40 a.m.