



# Oregon

STATE BOARD OF EXAMINERS  
FOR ENGINEERING &  
LAND SURVEYING

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## EXAMINATIONS & QUALIFICATIONS COMMITTEE

Minutes of Meeting  
December 12, 2014

### Members present:

Jason Kent, Chair  
Bill Boyd  
Steven Burger  
Shelly Duquette

### Staff present:

Mari Lopez, Board Administrator  
Jenn Gilbert, Executive Assistant  
Adaira Floyd, Social and Communications Media Specialist  
Jennifer O'Neill, Registration Specialist  
Brianna Weekly, Registration Specialist

### Others present:

Katharine Lozano, Assistant Attorney General  
Oscar Zuniga (Observer)  
Robert Neathamer  
Bob Hartford  
Paul Singer  
William Rickard (attended by phone for petroleum discussion)

The meeting of the Examinations and Qualifications Committee was called to order at 9:00 a.m. in the OSBEELS Conference Room at 670 Hawthorne Avenue SE, Suite 220, Salem, OR 97301.

### **Public Comment**

There was no public comment.

### **Petroleum Discussion**

As a result of a petition submitted by William M. Rickard to add the petroleum engineering discipline to the branches examined by the Board as described in OAR 820-010-0450, the Committee held a discussion with Mr. Rickard by telephone. Ms. Lopez reported that no communications have been received from the industry or professional associations. The Committee reported the findings to Mr. Rickard and Chair Kent further explained the difficulty

in adding a new branch of engineering without gaining industry support, and asked him to provide his thoughts. Mr. Rickard explained that as an independent consultant, he appreciates the protection he receives as a registered PE (in another state). He explained a recent dispute regarding petroleum engineering and felt he had no legal standing due to the absence of a petroleum engineering discipline in Oregon. As Oregon does not currently recognize petroleum engineering as a branch of professional engineering, Mr. Rickard explained that he is unable to do work in Oregon under that registration. Chair Kent noted the OSBEELS Mission Statement and gave Mr. Rickard the opportunity to address how regulating petroleum engineering would help safeguard life, health and property in the State of Oregon. Mr. Rickard suggested that adding the petroleum engineering discipline to the branches examined by the Board would help ensure that professionals have sufficient expertise to perform the work and best protect the environment. He further explained that adding petroleum engineering could make sure wells are completed correctly during the operations phase and prevent spilling. Chair Kent asked Mr. Rickard if he has any Northwest industry contacts to suggest. Mr. Rickard noted a geothermal group in Bend, Oregon and offered to email the contact information to the Board office. Ms. Duquette addressed Mr. Rickard and suggested that he consider joining a related association or society in the Northwest and share his interests to gauge industry support - as the Committee has received no response from the industry. Chair Kent added that if the Committee isn't able to receive communications from the industry, this could indicate a lack of interest in adding this branch by the engineering community. Mr. Rickard noted that he will consider joining the related groups in the Northwest. Ms. Lopez reported that she has communicated with The Oregon Department of Geology and Mineral Industries (DOGAMI), and that DOGAMI may be available to present on the matter for a future Committee meeting or Board meeting. Mr. Rickard asked how he can continue to practice in Oregon and AAG Lozano noted that the Committee cannot provide legal advice. Mr. Rickard stated that he will report any new, relevant information he obtains back to the Committee. He thanked the Committee for their consideration. The Committee agreed that the matter will be further discussed pending additional industry support. There was no further discussion.

## **New Business**

### **California Geotechnical exam**

Staff reported that the California Geotechnical exam has transitioned to computer based testing (CBT). Upon contacting the California Board with the list of approved applicants to take the October 2014 geotechnical exam, staff was informed that the California Board for Professional Engineers, Land Surveyors, and Geologists (California Board) would not be administering the geotechnical exam in October. The California Board staff indicated that they would be administering the exam year-round beginning January 2, 2015. Examinees will be able to test once a year. Staff noted that examinees must visit a Prometric test site in-person - multiple locations exist throughout Oregon (Portland, Eugene, Bend, and Medford). Ms. Weekly reported that the three individuals affected in Oregon did not indicate any concern regarding the transition. Per OAR 820-010-0440(2)(e), OSBEELS only offers the CA Geotechnical exam in October; therefore staff noted that the draft rule will need to be renumbered and that subsection 4 will need to be more precise. AAG Lozano reported that the MOU has yet to be returned and that changes to the rule are able to go directly to the Board for approval. There was no further discussion.

### NCEES Updates PE Civil Specifications

Staff provided related code change updates for informational purposes. There was no further discussion.

### NCEES Memo October 2015 exams

Staff supplied the Committee with the NCEES Memo for informational purposes and noted that the policy is changing. There was no further discussion.

### Hartford, Bob

Bob Hartford submitted a letter requesting reinstatement of his professional registration. Mr. Hartford addressed the Committee and explained that his continuing education records were destroyed during a fire. Staff reported that Mr. Hartford's license expired on June 30, 2009 and lapsed on June 30, 2014. Due to the timeline, Chair Kent noted that Mr. Hartford would have to apply to retake the exam unless he has a qualifying registration in another state. Mr. Hartford thanked the Committee for their time and exited the public meeting at 9:38 a.m. There was no further discussion.

### Title Violations

Staff requested that the Committee determine how to proceed with applications that contain title violations made by the applicant or by the applicant's references. Staff suggested that the language on the application and reference form be changed to provide clarity to the applicants with regards to experience obtained as an intern and under the supervision of a professional; the Committee agreed. On the references portion of the application, the Committee directed staff to draft new language and recommended adding, "under the direct supervision of a PE/PLS." As Ms. Duquette suggested, the title violations (as they relate to exam applications) were agreed to be addressed on a case-by-case basis, allowing the Committee to determine whether or not the matter be considered by the Law Enforcement Committee. There was no further discussion.

## **Review of Applications**

### Exams

*Singer, Paul* – Mr. Singer applied to sit for the FE Exam. Staff reported that his education is not listed as ABET accredited (B.S. – Environmental Science - Physical Science Option from University of Idaho in 2009 and M.E. – Environmental Engineering in 2012) and does not appear to meet the requirements listed in OAR 820-010-0225 and OAR 820-010-0226. The Board discussed whether or not Mr. Singer will be required to make a request with NCEES Credentials Evaluations to have his credentials evaluated. Mr. Singer addressed the Committee in-person and asserted his degree is ABET accredited, but that there are two ABET repositories for confirmation of ABET accreditation - the ABET website, and internal ABET information not provided on its website. As it appears the issue could be an error on ABET's website, the Committee suggested that Mr. Singer contact ABET and have documentation sent to the Board directly from ABET confirming accreditation. Mr. Singer acknowledged the general advice. Mr. Singer thanked the Committee for their time and exited the meeting. Further discussion occurred regarding the following:

NCEES Credentials Evaluations: Through general consensus, the Committee agreed to give Ms. Lopez the authority to approve requests made to NCEES by applicants for an

evaluation to be conducted on programs that do not meet the NCEES Credentials Evaluations Policies: (1) Foreign engineering degree programs (2) U.S.-based, non EAC/ABET-accredited degree programs in engineering, engineering technology, related science, or mathematics only when coupled with a master's degree or doctorate from a program that is EAC/ABET-accredited at the undergraduate or graduate level. Such requests must be authorized by the member board to the NCEES Manager of Credentials Evaluations before the evaluation is conducted. It was noted that the applicant is responsible for the cost. There was no further discussion.

#### Re-applications:

It was moved and seconded (Kent/Duquette) to approve the reapplication for the following individual:

- *Smith, David R.*

#### Comity

*Breyer, Kenneth J.* – Mr. Breyer submitted a civil PE application for registration by comity. Staff reported that Mr. Breyer does not meet the minimum experience or degree requirements for registration and as a result, staff recommended issuing a notice of intent to deny Mr. Breyer's registration by comity. Staff reported that Mr. Breyer's Master of Science in Engineering degree (June 2000) from California State Polytechnic does not meet the requirement outlined in OAR 820-010-0225(2)(d) because the corresponding undergraduate degree is not ABET accredited. However, the Committee noted how unlikely it seemed that a California State Polytechnic undergraduate degree in engineering would *not* be ABET accredited. The Committee directed staff to request that Mr. Breyer contact ABET and have documentation sent to the Board verifying whether the California State Polytechnic Bachelor of Science degree program in Engineering in 2000 was accredited. The Committee agreed to hold any decisions until the next Committee meeting, to provide Mr. Breyer with the opportunity to request the letter. There was no further discussion.

*Clayton, Brian D.* – Staff reported that Mr. Clayton is a registered civil engineer in Oregon and is applying to become a registered structural engineer by comity. At the time Mr. Clayton was issued his structural registration by the Illinois Board in June 2006, Oregon required successful passage of the NCEES SE II and the Washington SE III examinations, which were not the same examinations required in Illinois at that time. As a result, staff recommends issuing a notice of intent to deny Mr. Clayton's application for an SE registration by comity as it does not meet the substantial equivalency requirement listed in ORS 672.148(1)(d). It was moved and seconded (Duquette/Boyd) to deny Mr. Clayton's SE application for registration by comity. The motion passed unanimously. There was no further discussion.

*Glenn, Byron J.* – Staff reported that Mr. Glenn submitted a civil PE application for registration by comity. Mr. Glenn selected "Yes" when asked, "Have you ever had a professional engineering, land surveying or photogrammetric mapping registration denied, revoked, suspended, surrendered, stipulated, on probation or been subject to any restriction or disciplinary action in any jurisdiction?" Mr. Glenn provided a summary explanation regarding the disciplinary action issued by the Colorado Board and related documents. Mr. Glenn's Colorado license expired in 2008, but after the expiration date, he was found to have advertised professional engineering abilities without being properly licensed. Mr. Glenn was assessed a

\$500.00 civil penalty by the Colorado Board and has since become reinstated and is currently in active status. It was moved and seconded (Duquette/Burger) to approve the civil PE application for registration by comity. The motion passed unanimously. There was no further discussion.

*Hudock, John R.* – Mr. Hudock submitted an electrical PE application for registration by comity. Staff reported that Mr. Hudock passed the NCEES architectural exam in April 2008 (Oregon does not offer the architectural discipline). Staff also noted that Mr. Hudock has an ABET accredited architectural engineering degree and 4+ years of electrical engineering experience. The Committee was asked to consider Mr. Hudock for registration as an electrical engineer. Staff informed the Committee of a previous applicant who was considered under similar conditions (Andrew Walther). Mr. Walther was granted registration on January 14, 2014. It was moved and seconded (Burger/Boyd) to approve the electrical PE application for registration by comity. Chair Kent and Ms. Duquette abstained and motion failed. Chair Kent expressed that he was concerned with the lack of electrical course work in Mr. Hudock’s education. Ms. Duquette suggested that electrical coursework is only a small part of architectural engineering and expressed that she is not convinced of the equivalency. Chair Kent tabled the matter until the end of the Committee meeting to allow staff time to contact NCEES for the architectural exam syllabus and the electrical exam syllabus. Once revisited, staff reported that NCEES was able to supply the Committee with the exam syllabi of the April 2007 and April 2008 Architectural Engineering examination and the Electrical & Computer Engineering examination, to compare the exam structure of the examinations passed by Mr. Walther and Mr. Hudock. The exam syllabi did not change from 2003 until 2010. It was moved and seconded (Duquette/Boyd) to forward the matter to the Board for a final decision. Chair Kent and Mr. Burger opposed and the motion failed. Ms. Lozano then reminded the Committee that this was not an application for first registration, where the combination of education and experience are considered, but a comity application where substantial equivalency of licensure requirements at the time the out-of-state license was obtained is considered. It was then moved and seconded (Boyd/Kent) to approve the electrical PE application for registration by comity. The Committee discussed the motion and Mr. Hudock’s professional experience. Ms. Duquette opposed and the motion passed by majority vote. There was no further discussion.

*McComas, C. Rodney* – Staff reported that Mr. McComas submitted a structural PE application for registration by comity. Mr. McComas selected “Yes” when asked, “Have you ever had a professional engineering, land surveying or photogrammetric mapping registration denied, revoked, suspended, surrendered, stipulated, on probation or been subject to any restriction or disciplinary action in any jurisdiction?” Mr. McComas provided a summary explanation regarding the disciplinary action issued by The Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors and related case documents. Mr. McComas was reprimanded and fined by the Oklahoma Board for drawings stamped “C. Rodney McComas, P.E. Structural Engineer.” The architect of Record listed McComas Engineering, Inc. as the structural engineer on the title sheet of the drawings. The use of the term “structural engineer” in the logo is not permitted in Oklahoma and is a violation of their statute. The use of “McComas Engineering, Inc” is a violation of their statute, which requires a firm to have a Certificate of Authorization. In March 2009, the Oklahoma Board received the Certificate of Authorization application for McComas Engineering, which was subsequently approved and issued. Mr. McComas was assessed a \$1,000 fine for the use of the term “structural engineer” and a \$1,000

fine for not having a Certificate of Authorization. Additionally, Mr. McComas supplied an explanation and related case documents for the disciplinary action issued by the Hawaii Board of Professional Engineers, Architects, Surveyors and Landscape Architects in June 2010 for failing to report the Oklahoma Board's reprimand to the Hawaii Board within thirty days, in violation of their statute; Mr. McComas was assessed a \$500 fine. In July 2010, the settlement agreement with the Hawaii Board was approved and the Board closed the matter. Ms. Duquette noted that the disciplinary actions were not life safety issues. It was moved and seconded (Boyd/Duquette) to approve the structural PE application for registration by comity. The motion passed unanimously. There was no further discussion.

*McKay, Mark R.* – Mr. McKay submitted an electrical PE application for registration by comity. Staff reported that Mr. McKay does not meet the minimum exam requirements for registration as listed in ORS 672.102. Specifically, he never sat for the Fundamentals of Engineering examination nor was ever enrolled as an Engineering Intern. As a result, staff recommended issuing a notice of intent to deny Mr. McKay's comity application. It was moved and seconded (Duquette/Burger) to deny the electrical PE application for registration by comity. The motion passed unanimously. There was no further discussion.

*Sturm, Richard* – Mr. Sturm submitted a mechanical PE application for registration by comity. Staff reported that the PE examination Mr. Sturm took in Colorado in 1977 was not an NCEES administered examination. The Committee was asked to determine if the examination taken was substantially equivalent. Colorado was not able to supply exam information for the Committee to review. Staff noted that Mr. Sturm holds an active Arizona license, which he obtained by comity. It was moved and seconded (Burger/Boyd) to approve Mr. Sturm's mechanical PE application for registration by comity. Ms. Duquette opposed and the motion passed by majority vote. There was no further discussion.

#### 1st Registration

*Minegishi, Yoshikazu* – Mr. Minegishi submitted a Fire Protection PE application by 1st registration. Staff reported that Mr. Minegishi meets the education and exam information requirements, but does not meet the experience required due to lack of experience verified by a supervisory PE. Mr. Minegishi submitted a request for a waiver of references based on OAR 820-010-0204(2)(b)(C), which states that the Board may, for good cause upon written application, reduce the number of references required. The Committee reviewed the references submitted. Mr. Burger expressed that he feels Mr. Minegishi is demonstrating his competence and Chair Kent agreed that he has strong references. It was moved and seconded (Boyd/Duquette) to approve the request for a waiver of references. The motion passed unanimously. There was no further discussion.

#### CPD Audit

*Taguchi, Satomi* – Mr. Taguchi received a letter requesting his participation in an audit of his CPD credits for the July 2014 period. Mr. Taguchi requested a minimum 6-month extension to submit his CPD related documents to finalize the audit. Mr. Taguchi expressed in an email to the corresponding OSBEELS Account Specialist that he is working on a project outside of his home in Japan and will be unable to obtain the related documents until he returns home (currently in Singapore on a construction-related project). Ms. Duquette shared that she appreciates the good

communication he provided. Chair Kent noted that during a construction project, there may be unexpected delays and recommended that the documents be sent to OSBEELS no later than April 30, 2015. It was moved and seconded (Duquette/Kent) to allow an extension to Mr. Taguchi in order to provide documentation of CPD credits obtained during the requested audit period by April 30, 2015. The motion passed unanimously. There was no further discussion.

**Files Subject to Monitoring**

The Registration Department staff provided a list of files currently being monitored.

The meeting adjourned at 11:36 a.m.