



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

EXAMINATIONS & QUALIFICATIONS AGENDA Meeting of April 8, 2016

Members present:

Shelly Duquette, Chair
Chris Aldridge
Logan Miles

Members absent:

Oscar Zuniga (excused)

Staff present:

Mari Lopez, Board Administrator
Jenn Gilbert, Executive Assistant
Danee Vig, Registration Specialist
Brianna Weekly, Registration Specialist
Bailey Weissenfels, Registration Specialist
Tina Sorensen, Accounts Specialist
Amelia Volker, Accounts Specialist

Others present:

Katharine Lozano, Assistant Attorney General
Jason Kent, Observer
John Dawes, by telephone

The meeting of the Examinations and Qualifications Committee (EQC) was called to order at 8:00 a.m. in the OSBEELS Conference Room at 670 Hawthorne Avenue SE, Suite 220, Salem, OR 97301.

Public Comment

There was no discussion.

Informal Conferences

Dawes, John

Mr. Dawes met in an informal conference with the EQC via telephone to attempt reaching a settlement agreement regarding his failure to comply with a requested CPD grace period. Mr. Dawes explained that he understood he had not complied with the CPD grace period. Ms. Duquette asked if he planned on practicing in the state of Oregon in the future. Mr. Dawes said no and further informed the EQC that he has since retired.

The EQC exited its public meeting pursuant to Oregon Revised Statute (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.

Upon returning to public meeting, it was moved and seconded (Duquette/Miles) to recommend the Board approve the Settlement Agreement with Mr. Dawes to permanently retire his registration without the possibility of future reinstatement, in lieu of a civil penalty. The motion passed unanimously. There was no further discussion.

King, Frederick

Mr. King did not attend the scheduled informal conference, in person or by telephone. The informal conference was the EQC's final attempt at offering a settlement agreement for Mr. King. After a brief discussion, it was moved and seconded (Duquette/Miles) to move forward with Mr. King's request for an administrative hearing with the Office of Administrative Hearings (OAH). The motion passed unanimously. There was no further discussion

Non-compliant Grace Period Files

Staff briefly summarized the individuals on the Non-compliant Grace Period File list.

Victor J. Accomando – Staff explained that due to previously having an insufficient address an NOI would need to be re-issued to Mr. Accomando. Therefore, he was removed from the list for discussion.

Brian D. Dierking – Staff explained that Mr. Dierking complied with the CPD grace period; however, he did not provide proof of compliance until after the deadline given by staff to do so. Therefore, after a brief discussion, it was moved and seconded (Duquette/Aldridge) to recommend withdrawing the Notice of Intent for Mr. Dierking. The motion passed unanimously. There was no further discussion.

Milton Leonard – Ms. Sorensen explained that correspondence had been received from Mr. Leonard's estate, explaining that Mr. Leonard had passed away. Therefore, additional supporting documentation was requested. AAG Lozano stated official documentation needs to be received in order to recommend a Withdraw of Notice of Intent.

Staff Update: A death certificate stating Mr. Milton Leonard passed away was received by the Board office on April 8, 2016. Therefore, the Board should consider withdrawing the Notice of Intent.

Richard Riper – Staff explained Mr. Riper submitted his CPD hours in order to comply with the Grace Period. Therefore, he was removed from the list for discussion.

Informational

The EQC reviewed information received from National Council of Examiners for Engineering and Surveying (NCEES) regarding proposed revisions to ABET criteria 3 and 5. A brief discussion was held on the documentation provided in the packets. No action was taken.

New Business

NCEES Registration Deadline

Staff explained that the Board's current contract with NCEES allows candidates from any jurisdiction to designate Oregon as their practice state, since Senate Bill (SB) 297-A passed on June 25, 2015. This allows Oregon candidates to sit for examinations without prior identification and approval from the Board. However, when registering for an examination, candidates must register within the deadlines designated by NCEES. NCEES provides a three week reconciliation period for State Boards to rectify an examinee missing the deadline if the applicant missed the deadline due to Board error. Even though the Board does not pre-approve applicants for an examination, NCEES must receive Board approval to allow exceptions to their registration deadline. Staff asked how the EQC would recommend responding to individuals that contact OSBEELS after they missed NCEES' registration deadline. AAG Lozano pointed out that it may not be lawful to assist examinees in rectifying a missed deadline with NCEES because it would be using Board resources, without any indication that the individual would applying for licensure in Oregon in the future – in other words, it would be using state/Board funds and resources for purposes not included within its statutory purview and, potentially not even for Oregon residents or Oregon license applicants. She also noted that the Board does not have a mechanism in place to evaluate this kind of situation consistently, which could lead to claims of bias or abuse of discretion. After a brief discussion, the consensus of the EQC based on legal guidance is that staff not intervene with NCEES examination registration for the purpose of accommodating individuals who missed the NCEES deadline.

Jimmy Oshiro

Mr. Oshiro currently holds a Civil PE in Oregon, and is interested in adding the Geotechnical branch to his current registration. He submitted a Question Form, asking a series of questions related to obtaining the Geotechnical branch. Although the Oregon Board recognizes the California Geotechnical Examination as qualifying when applying for the Geotechnical branch (OAR 820-010-1010(2)), the individual must still comply with any requirements the State of California has set forth before sitting for the California Geotechnical examination. Since California's examination requirements fall out of the Oregon Board's scope of authority, the EQC directed staff to inform Mr. Oshiro of OAR 820-020-0020 which allows a registrant to practice in their area of competency, when qualified by education or experience. Therefore, as a registered civil engineer with OSBEELS, Mr. Oshiro may engage in the geotechnical branch of engineering if he finds himself qualified to practice and it is not, therefore, necessary under the Board's laws and rules for him to take the California Geotechnical examination.

Zachary Godsell

Mr. Godsell submitted a Question Form, asking the EQC if he would be eligible for licensure as a PE or Structural Engineer (SE) in Oregon based on the Structural I examination he took to obtain licensure in Colorado. Mr. Godsell inquired if the EQC would consider not applying the text of its laws or statutes, given that he has taken and passed 29 hours of combined NCEES and state-specific examinations and that his focus is to only practice structural engineering. He also noted that he found individuals in Oregon who possess only an SE designation, without holding PE registration first. The EQC noted that the Board has already determined that the NCEES

Structural I and NCEES Civil examinations are not substantially equivalent. After a brief discussion, the EQC directed staff to respond to Mr. Godsell, explaining that the qualifications for SE registration have changed since the discipline was first introduced in Oregon, and passing the NCEES Structural I examination only does not qualify him for PE or SE registration.

Review of Applications

Armstrong, Simon

Mr. Armstrong submitted an application for registration as a civil engineer. Mr. Armstrong calls himself an Engineer II at Waste Management, as provided on the first page of reference forms #1-5 of his application. After a brief discussion, it was moved and seconded (Duquette/Aldridge) to issue a letter of concern to both Mr. Armstrong and the company. The motion passed unanimously. There was no further discussion.

Baek, In Ro

Mr. Baek submitted an application for registration as a civil engineer. Mr. Baek provided an NCEES Credentials Evaluation of his education, which demonstrates deficiencies in fifteen (15) semester credit hours in higher math/basic sciences. After applying the Education/Experience Matrix, it was moved and seconded (Duquette/Miles) to place Mr. Baek on the Registration Approval list. The motion passed unanimously. There was no further discussion.

Choi, Ji Wook

Mr. Choi submitted an application for registration as a civil engineer. Mr. Choi provided an NCEES Credentials Evaluation of his education, which demonstrates deficiencies in twenty-nine (29) semester credit hours in math/basic sciences, and eight (8) semester credit hours in engineering sciences and design. After applying the Education/Experience Matrix, it was moved and seconded (Aldridge/Miles) to place Mr. Choi on the Registration Approval list. The motion passed unanimously. There was no further discussion.

German, David

Mr. German submitted an application for registration as a mechanical engineer. Mr. German calls himself an Engineer at Wunderlich-Malec Engineering, as provided on the first page of reference forms #1-5 of his application. After a brief discussion, it was moved and seconded (Duquette/Aldridge) to issue a letter of concern to both Mr. German and the company. The motion passed unanimously. There was no further discussion.

Goswami, Devavrata

Mr. Goswami submitted an application for registration as a mechanical engineer. Mr. Goswami provided an NCEES Credentials Evaluation of his education, which demonstrates deficiencies in ten (10) semester credit hours in general education. After applying the Education/Experience Matrix, it was moved and seconded (Duquette/Aldridge) to place Mr. Goswami on the Registration Approval list. The motion passed unanimously. There was no further discussion.

Jang, Yongik

Mr. Jang submitted an application for registration as a mechanical engineer. Mr. Jang provided an NCEES Credentials Evaluation of his education, which demonstrates deficiencies in four (4) semester credit hours in engineering sciences and design. After applying the

Education/Experience Matrix, it was moved and seconded (Duquette/Miles) to place Mr. Jang on the Registration Approval list. The motion passed unanimously. There was no further discussion.

Jones, Calvert

Mr. Jones submitted an application for registration as a civil engineer. Mr. Jones calls himself a Design Engineer at Power Engineers, Inc., as provided on the first page of reference forms #1-3 of his application. After a brief discussion, it was moved and seconded (Duquette/Aldridge) to issue a letter of concern to both Mr. Jones and the company. The motion passed unanimously. There was no further discussion.

Kim, Jongbu

Mr. Kim submitted an application for registration as a fire protection engineer. Mr. Kim provided an NCEES Credentials Evaluation of his education, which demonstrates deficiencies in six (6) semester credit hours in math/basic sciences. After applying the Education/Experience Matrix, it was moved and seconded (Duquette/Miles) to place Mr. Kim on the Registration Approval list. The motion passed unanimously. There was no further discussion.

Lalonde, Benjamin

Mr. Lalonde submitted an application for registration as a mechanical engineer. Mr. Lalonde calls himself a Recovery Engineer at International Paper, as provided on the first page of reference forms #1-7 of his application. After a brief discussion, it was moved and seconded (Aldridge/ Duquette) to issue a letter of concern to both Mr. Lalonde and the company. The motion passed unanimously. There was no further discussion.

Lopez, Cesar

Mr. Lopez submitted an application for registration as a civil engineer. Mr. Lopez calls himself an Associate Engineer at Oregon Department of Transportation, as provided on the first page of reference forms #1-5 of his application. After a brief discussion, it was moved and seconded (Duquette/Aldridge) to issue a letter of concern to both Mr. Lopez and the agency. The motion passed unanimously. There was no further discussion.

Pospishil, John

Mr. Pospishil submitted an application for registration as a civil engineer. Mr. Pospishil submitted a request to waive the supervisory reference requirement based on OAR 820-010-1000(f)(D). The references provided demonstrate six (6) years and two (2) months of Mr. Pospishil's experience. However, only one (1) year and two (2) months of his experience was under the direct supervision of a PE. After a brief discussion, it was moved and seconded (Duquette/Aldridge) to accept Mr. Pospishil's request for a waiver of supervisory PE references and place him on the Registration Approval list. The motion passed unanimously. There was no further discussion.

Voekel, John

Mr. Voekel submitted an application for registration as a civil engineer. Mr. Voekel provided an NCEES Credentials Evaluation of his education, which demonstrates deficiencies in nine (9) semester credit hours in engineering sciences and design. After applying the

Education/Experience Matrix, it was moved and seconded (Duquette/Aldridge) to place Mr. Voekel on the Registration Approval list. There was no further discussion.

Consent Agenda

Oregon Administrative Rules (OARs) 820-010-1000(2) and 820-010-1010(1), (2), and (3) specify which branches of engineering and examinations are recognized. The individuals listed do not meet the requirement(s). Ms. Duquette briefly summarized the individuals on the Consent Agenda.

1. *Anastasio, Steven* – Passed an NCEES Structural I and an NCEES Structural II examination and applied for a Civil Registration.
2. *Clarke, Wade* – Passed an NCEES Structural I and an NCEES Structural II examination and applied for a Civil Registration.
3. *Harris, David* – Passed an NCEES Structural I examination and applied for a Civil Registration.
4. *Ray, Ashim* – Passed two Pennsylvania state-specific administered examinations and applied for a Civil Registration.
5. *Westerman, Tom* – Passed an 8-Hour NCEES examination in an undesignated branch and applied for a Civil Registration.

It was moved and seconded (Duquette/Aldridge) to deny the list of applicants on the Consent Agenda. There was no further discussion.

Contested Case Status

The EQC reviewed the list of Contested Case Statuses. There was no further discussion.

Files Subject to Monitoring

- Tyler Brooks – DFO recommendation; deadline to appeal was March 7, 2016.

It was moved and seconded (Duquette/Miles) to recommend to the Board to issue the DFO to the individual listed above. The motion passed unanimously. There was no further discussion.

The meeting adjourned at 9:14 a.m.