



Oregon

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

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JOINT COMPLIANCE COMMITTEE

Summary of Meeting

February 6, 2014

OSBEELS members:

John Seward

Carl Tappert

OSBGE members:

Peter Stroud

Ken Thiessen

OSBEELS Staff:

Mari Lopez, Administrator

Jenn Gilbert, Executive Assistant

Jason Abrams

Joy Pariente

Monika Peterson

JR Wilkinson

OSBGE Staff:

Christine Valentine, Administrator

Others:

Katharine Lozano, Assistant Attorney General

Bernie Kleutsch, ODOT

The meeting of the Joint Compliance Committee meeting was called to order at 1:02 p.m. via teleconference. Members from the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) and the Oregon State Board of Geologist Examiners (OSBGE) participated. OSBEELS Staff and Mr. Kleutsch participated from the Board office at 670 Hawthorne Ave SE, Suite 220 Salem, OR 97301. All others participated by teleconference.

Review of Agenda

There were no additions, subtractions or changes to the presented agenda.

Complaint Cases

Case #2725 - OSBEELS

Mr. Tappert summarized Mr. Wilkinson's additional findings regarding Case No. 2725. While assembling the evidence to support the allegations contained in the Notice of Intent (NOI), it was discovered that the plans Curry County has on record have an engineer's seal, unlike the plans originally provided to OSBEELS by the complainant. The respondent in case 2726, who was identified by the respondent in this case as the engineer in responsible charge of this project, said he didn't recall stamping the respondent's plans, but his stamp is present on two of the final documents on record with Curry County. OSBEELS members informed OSBGE that this case will be discussed next at the February 13, 2014 Law Enforcement Committee (LEC) meeting and that they anticipated the case being closed without action. There was no additional discussion.

OSBEELS Staff update as of February 13, 2014: The information resulting from the additional investigation confirmed that the engineer in responsible charge of the project was intimately involved with the respondent's work. Therefore, the Committee recommended the Board close case 2725 as allegations unfounded. The Board will make a determination on the status of this case during the March 11, 2014 Board meeting.

Case #13-01-005 – OSBGE

Ms. Valentine reported that the respondent has received the Board's settlement agreement and has three weeks to respond. Ultimately, the violations identified were three instances of practicing geology without a license. The terms of the settlement agreement offer to reduce the penalty if the respondent agrees to discontinue practicing geology in Oregon unless he is granted licensure by OSBGE. There was no additional discussion.

Unfinished Business

Approval of JCC Meeting Summary – October 24, 2013

Mr. Stroud moved to accept the meeting summary as prepared. Mr. Seward seconded the motion. All Committee members then approved the October 24, 2013 meeting summary. There was no additional discussion.

Action Items (Updates)

JCC alternate members

Members of both boards again discussed the importance of identifying alternate JCC members. Mr. Stroud noted that OSBGE has not come to agreement on designation of an alternate but tentatively discussed looking for a former Board member to serve as alternate. Mr. Tappert mentioned that OSBEELS tentatively discussed appointing a current Board member as alternate. The Committee also noted that Mr. Tappert's position will need to be filled following the completion of his term with OSBEELS in June 2014. OSBEELS will discuss the matter of replacement and alternate members during the March 11, 2014 Board meeting. There was no further discussion.

Request update to 1983 DOJ opinion

OSBEELS Staff researched the approximate cost of acquiring an update to the 1984 DOJ opinion. Ms. Gilbert said the previous cost for a similar request was \$9,340.50. Each board would be responsible for half the cost. OSBGE said the cost and the determination of specific questions to be answered by the opinion would be discussed during a future board meeting. Ms. Valentine said this discussion could occur at the Board's March 21, 2014 meeting or May 30,

2014 meeting. Mr. Tappert indicated that OSBEELS similarly has not made a decision but added this topic to the March 11, 2014 Board meeting agenda. There was no further discussion.

MOU revisions

Mr. Tappert asked the Committee members if they were comfortable with conducting a few more meetings prior to making revisions to the MOU. Mr. Stroud said he thinks the current procedures are working well for now and agreed that additional meetings should be conducted before making any determinations about future procedures. Mr. Seward and Mr. Thiessen agreed. Mr. Thiessen pointed out that a key issue in the MOU was the timelines set for addressing complaints. He said the Committee either needs to determine better timelines or remove them completely. He added that additional meetings will also serve to give members a better idea of the time required to address specific topics or complaints. There was no further discussion.

Next Meeting

The next JCC meeting is scheduled for May 1, 2014; hosted by OSBGE. The administrators will decide if the meeting will be via teleconference or in person, depending on the agenda. There was no further discussion.

Public Comment

There was no public comment

The meeting was adjourned at 1:25 p.m.