



# Oregon

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

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## LAW ENFORCEMENT COMMITTEE

Minutes of Meeting

April 11, 2013

### Members Present:

Sue Newstetter, Chair

Ken Hoffine

Tom Van Liew

### Staff Present:

Mari Lopez, Executive Secretary

Jenn Gilbert, Executive Assistant

Allen McCartt

Joy Pariente

Monika Peterson

James R. (JR) Wilkinson

### Others Present:

Katharine Lozano, Assistant Attorney General

John Arscott

A meeting of the Law Enforcement Committee was called to order at 8:30 a.m. in the OSBEELS Conference Room at 670 Hawthorne Avenue SE, Suite 220, Salem, OR 97301.

### Informal Conference

#### 2708 – John Arscott

OSBEELS received a signed renewal form from John A. Arscott, PE, certifying that he completed the required Professional Development Hours (PDH). Mr. Arscott was requested to participate in an audit of documentation to support the PDH units he claimed as a condition of the last biennial renewal period. He did not respond. A second and, later, a final notification were sent, but there was no response. The audit file was transferred to the Regulation Department, a law enforcement case was opened, and a respond to allegations letter was sent. Mr. Arscott still did not respond. A phone number for Mr. Arscott was listed on People Search and investigators left a voice message. Mr. Arscott returned the call and informed investigators that he has submitted his response, with supporting documentation, along with his renewal. The renewal form and the Continuing Professional Development (CPD) Organizational Form were located by investigators, but no supporting documentation was attached. Mr. Arscott was informed that the supporting documentation was missing. He resubmitted the CPD Organizational Form and verification for the hours claimed. Compliance was met.

During his informal conference, Mr. Arscott stated that he responded to the fourth notice from Staff and was surprised a case was opened. Mr. Hoffine asked Mr. Arscott why he didn't respond to three other notices. Mr. Arscott said he was semi-retired and hadn't done a project in Oregon for some time. He said he was going to let his license lapse upon expiration, but he decided to keep it active, which is why he eventually responded to the audit. Mr. Hoffine noted that ignoring the audit request was a waste of Board time and money and the entire purpose of the audit is to protect the public. Mr. Arscott said all the documentation requested was in his file prior to the case being opened. Ms. Peterson said only the CPD Organizational Form was in his file, not the supporting documentation. The Committee members noted that Mr. Arscott provided no acknowledgement of the wrongfulness of his conduct and demonstrated no appreciation of the state resources used on his case. He also showed no interest in mitigating his fine. Based on this information, **the Committee recommends the Board approve a \$500 civil penalty for violation of OAR 820-020-0015(8), due to eventual compliance.**

#### 2781 – Timothy Wolden

Mr. Wolden's attorney was scheduled to appear at the Committee meeting, however, he fell ill and his appearance was postponed.

#### 2730 – Ung Minh Nguyen/OSBEELS

OSBEELS received a signed renewal form from Ung Minh Nguyen, PE, certifying that he completed the required PDHs. He was requested to participate in an audit of documentation to support the PDHs he claimed as a condition of the last biennial renewal period. Mr. Nguyen did not respond. A second request was sent and he did not respond. A final request was sent and a response was received requesting retirement status. A law enforcement case was opened and a respond to allegations letter was sent. Mr. Nguyen responded and said that family events had led to a lengthy trip out of the country, which resulted in his failure to complete the required PDHs. He said, since he was considering retiring his license, he allowed the issue to lapse. Investigators sent a final letter to Mr. Nguyen requesting PDH documentation. He responded with documentation to support the PDHs claimed at the time of his renewal. Compliance was met. The Committee discussed that Mr. Nguyen provided acknowledgement of the wrongfulness of his conduct and demonstrated appreciation of the state resources used on his case and the Committee therefore proposed a \$100 civil penalty. **The Committee recommends the Board approve a \$100 civil penalty for violation of OAR 820-020-0015 (8).**

#### Committee Meeting

##### 2777 – Joe Hill/Mark Whitmill

OSBEELS received a complaint from Mark Whitmill, City of Eugene Assistant Building Official, alleging Joe P. Hill, PE, "was negligent and incompetent in his engineering work when he designed two multi-tiered spectator towers constructed at UO's Autzen Stadium, and violated the rules of professional conduct when he approved and sealed the design documents for those structures." The structures were temporary, scaffolding-type seating located at the top of the stadium near the box seat area.

Whitmill alleged that Hill:

- Failed to properly calculate the design wind force.
- Failed to address wind uplift and overturning forces,

- Failed to include any loads on the structures from the tents/canopies mounted on top.
- Failed to provide a complete load path or any anchorage of the structures to the ground.
- Failed to show or calculate a complete lateral design of the structures as required by code.

This case was discussed, in detail, during the June 14, 2012 Committee meeting. At that meeting, Committee members determined to refer the matter to a professional reviewer regarding negligence and incompetence. Brandon Erickson, PE, SE, acted as the professional reviewer. Board member Sue Frey, PE, SE, recently reviewed the case and the designs and gave her written evaluation to Mr. Wilkinson for Committee consideration prior to the April 2013 meeting. She also answered questions via telephone during this meeting. Initially, the Committee believed the issue was the jurisdiction wanting to rush a project and pushing through incomplete designs for permitting. Ms. Newstetter pointed out that the structure was completed without a final design being submitted. Regarding negligence and incompetence, AAG Lozano said there's a significant difference between not doing a good job on a project and being negligent regarding that project. She added that she wouldn't feel comfortable arguing negligence when there were no damages. Mr. Hoffine suggesting issuing a Letter of Concern to Mr. Hill regarding not turning in documents that aren't the best work he's capable of providing. He also asked if the Board could send a Letter of Concern to the jurisdiction that permitted work without a final design. AAG Lozano said that is out of OSBEELS jurisdiction, but the issue can be referred to the Building Codes Division.

Mr. Wilkinson then mentioned that during a call with Ms. Frey, she said the biggest issue in this situation was the absence of lateral calculations, which are critical to temporary structures. The Committee then called Ms. Frey to clarify, based on provided documentation, whether there were never any calculations made or if they were just inadvertently left out of the design. Ms. Frey explained that, in the initial design, there were no calculations done for lateral loads, which makes the structure unsafe and unstable. It was indicated that the structure was found to be unstable during construction and changes were made to the design as needed. AAG Lozano said, regardless of corrections made at a later date, the structure needed to be complete at the time of the initial submittal. Mr. Hoffine pointed out that Mr. Hill's initial plans said no lateral bracing was needed. However, after questions arose about stability, a reassessment and recalculation was done by Mr. Hill, which indicated that lateral bracing was needed. AAG Lozano said, without injury or other damages, this would not be considered negligence. However, the Committee determined it was incompetence because Mr. Hill stamped and signed the initial submitted document without including lateral load calculations or taking those calculations into account. Ms. Newstetter and Mr. Hoffine stated that Mr. Hill's violation was so significant based on the potential threat to the life, health, and safety of the public. As a result of this discussion, the Committee determined to issue a Notice of Intent (NOI) to assess a civil penalty of \$1,000 for violation of OAR 820-010-0617 and to send a referral to BCD regarding jurisdictions permitting without final designs.

#### 2689 – Denny Whitzel/Ralph Yenne

OSBEELS received a complaint from Ralph M. Yenne on behalf of Marlin Buchholz, PE, and Brad Buchholz, EIT, regarding the National Environmental Balancing Bureau (NEBB). Mr. Yenne believed the organization was in violation of ORS 672.045 and OAR 820-010-0620. The

complainant also argued that TAB work required the level of education and experience of a professional engineer. The Professional Practices Committee reviewed this issue on February 10, 2011 and determined to send the issue to the full Board for additional discussion, however, no record of additional discussion could be located. The complainants submitted a second complaint and alleged, specifically, that Denny Whitzel, a non-registrant and owner of Pacific Coast Air Balancing, was, among other things, calling himself an “AABC Test & Balance Engineer” and offering services which are considered included in the “practice of engineering.” Mr. Whitzel informed investigators that his title is the one used by others who hold the national professional TAB designation that he does. However, he offered to change his title on his AABC stamp to avoid further confusion.

Mr. Van Liew explained the role of a test and balance professional to the Committee. He said these individuals read the plans of the engineers and test the airflow through the duct work to ensure that it meets the engineers standards set forth in the design documents. The Committee stated that it seemed like AABC came up with the term “Test and Balance Engineer” to represent their certified supervisory personnel and differentiate these individuals from their “Test and Balance Technicians.” Ms. Newstetter asked AAG Lozano if the Board could inform AABC that this terminology is not acceptable in many states. AAG Lozano said that is outside the Board’s jurisdiction, but the Board can inform Oregon registrants through the newsletter. On the issue of offering engineering services, Ms. Newstetter said it seemed like these individuals are more involved in data collection than engineering. Ms. Lozano agreed that the services offered don’t seem to meet the definition of engineering. Ms. Peterson asked about the building commissioning services offered. Mr. Van Liew said building commissioning requires a specific certification. After discussion, the Committee determined that building commissioning seems more like the practice of hiring someone to be the go-between for contractors and engineers, rather than actual engineering approval work.

After discussion, **the Committee recommends that the Board close the case as compliance met.**

#### 2712 – John Raymond Gery/OSBEELS

OSBEELS received a renewal request from John Raymond Gery, PE. He was requested to participate in the audit of documentation to support the PDH units he claimed as a condition of the last biennial renewal period. Mr. Gery did not respond. A second notification was sent with no response. Final notification was sent to a different address and was returned as an insufficient address. Notification was sent to Mr. Gery that the audit file was being transferred to the Regulation Department for further review. Mr. Gery requested retirement status after he was requested to participate in the audit. It was approved prior to his record being transferred to the Regulation Department.

A law enforcement case was opened and a respond to allegations letter was sent to an address and email verified on People Search. There was no response. Investigators did not receive any returned mail and also sent a letter to an address located through the Clark County Assessor’s Office. The Social Security Death Master File was also searched. Ms. Peterson told the Committee that there are other cases similar to Mr. Gery’s, where individuals were inadvertently granted retirement status despite pending regulatory action. After discussion, the Committee determined to issue an NOI to assess a civil penalty of \$3,000 and a 90-day suspension for violations of OAR 820-010-0635(1) & (5) and OAR 820-020-0015(7) & (8).

#### 2717 – David Paul Nicoli/OSBEELS

OSBEELS received a renewal request from David Paul Nicoli, PE. He was requested to participate in the audit of documentation to support the PDH units he claimed as a condition of the last biennial renewal period. Mr. Nicoli responded and said he hasn't stamped any documents in 15 years and doesn't plan to do so in the future. A second notification was sent and Mr. Nicoli responded with a CPD Organizational Form and a request to be put on inactive status. He also indicated that he had no records of his PDH courses. Notification was sent to Mr. Nicoli that the audit file was being transferred to the Regulation Department for further review. Mr. Nicoli responded with a CPD Organizational Form claiming 34 PDH and supporting documentation for 10 of those PDH. He apologized for his lack of cooperation with the audit. He thought he could just be put in inactive status, but once he realized that wasn't an option, he started trying to comply with the audit request. Eventually, he submitted supporting documentation for the remaining 20 PDH and compliance was met. The Committee determined to issue an NOI to assess a civil penalty of \$500 for a violation of OAR 820-020-0015(8).

#### 2718 – Douglas C. Roberts/OSBEELS

OSBEELS received a renewal request from Douglas C. Roberts, PE. He was requested to participate in the audit of documentation to support the PDH units he claimed as a condition of the last biennial renewal period. Mr. Roberts did not respond. A second notification was sent with no response. Final notification was sent and Mr. Roberts still did not respond. Notification was sent to Mr. Roberts that the audit file was being transferred to the Regulation Department for further review. Mr. Roberts responded and informed the investigators that he had requested to be moved to retirement status. A respond to allegations letter was sent and Mr. Roberts responded with questions regarding maintaining CPD records if a registrant wasn't planning to renew their license. Investigators responded to Mr. Roberts informing him that when he signed his previous renewal and he certified that he had completed PDH requirements for the previous biennial period. Investigators clarified that this previous biennial period was the period being audited, not the most recent renewal period. Ultimately, Mr. Roberts admitted that he did not maintain records of his CPDs for the required 5 years and he couldn't prove that he completed the required units, although he's confident that he did. The Committee determined to issue an NOI to assess a civil penalty of \$2,000 and a 90-day suspension for violations of OAR 820-010-0635(1) & (5) and OAR 820-020-0015(8).

#### 2719 – Richard W. Smith/OSBEELS

OSBEELS received a renewal request from Richard W. Smith, PE. He was requested to participate in the audit of documentation to support the PDH units he claimed as a condition of the last biennial renewal period. Mr. Smith did not respond. A second notification was sent with no response. Final notification was sent to a different address and was returned as an insufficient address. Notification was sent to Mr. Smith that the audit file was being transferred to the Regulation Department for further review, but the letter was returned with postal notification that forward time had expired.

A law enforcement case was opened and a respond to allegations letter was sent to an address verified on People Search. Mr. Smith didn't respond. All numbers provided on People Search were also called, but still no response. A letter was also sent to Mr. Smith's previous employer. Mr. Smith called OSBEELS a few weeks after the final letter was sent because a former coworker had forwarded it to him. He admitted that his record keeping practices were poor and

he had hoped the issue would go away by ignoring it. Eventually, he provided the CPD Organizational Form and verification for 49.3 hours and compliance was met. The Committee determined to issue an NOI to assess a civil penalty of \$750 for violations of OAR 820-010-0605(1) and OAR 820-020-0015(8).

#### 2721 – Steven Toyama/OSBEELS

OSBEELS received a renewal request from Steven Toshio Toyama, PE. He was requested to participate in the audit of documentation to support the PDH units he claimed as a condition of the last biennial renewal period. Mr. Toyama responded and requested an extension to provide the documentation. However, he did not submit the documentation by the extended deadline. The audit file was then transferred to the Regulation Department for further review. A law enforcement case was opened and a respond to allegations letter was sent, but there was no response. Investigators also sent an email to Mr. Toyama. He was later reached by telephone regarding his failure to submit the requested PDH records per the audit and his failure to respond to the allegations. Mr. Toyama said he had sent in the requested information, but OSBEELS had no record of this documentation. Mr. Toyama said he would search his records and resubmit the information. The documentation Mr. Toyama thought he submitted were found mixed in with his tax documents. He then submitted a CPD Organizational Form and supporting documentation for the PDHs claimed and compliance was met. The Committee determined to issue an NOI to assess a civil penalty of \$500 for a violation of OAR 820-020-0015(8).

#### 2726 – David J. Gowers/William Galli

The Committee determined to forward this case to the Joint Compliance Committee (JCC) for discussion.

#### 2725 – James Rodine/William Galli

The Committee determined to forward this case to the Joint Compliance Committee (JCC) for discussion.

#### 2727 – Hal Pfeifer/OBAE

OSBEELS received a complaint from the Oregon Board of Architect Examiners (OBAE) alleging that Hal Pfeifer, PE, offered to sign and seal plans that were not prepared under his supervision and control for an Oregon project, “Cottage Grove Manor.” The project is considered non-exempt and includes 38,000 square feet of buildings zoned for residential and commercial use.

Mr. Pfeifer sent an email to the project owner, Sanford Goldeen, stating that Mr. Goldeen could either use a licensed architect for his project or use an unlicensed architect and Mr. Pfeifer could stamp documents to fulfill permitting requirements. Mr. Pfeifer responded to investigators and said that he wasn’t offering to just stamp documents, but rather, the term was used metaphorically to imply that his license and background allows him to act as the Engineer of Record and the fees associated with using his services would be less than hiring an architect. He said he is always in responsible charge of all projects on which he seals documents. The project never began and Mr. Pfeifer had declined to be involved.

Ms. Newstetter expressed that she didn’t believe the email was misconstrued and that Mr. Pfeifer was offering plan stamping. AAG Lozano said the Committee doesn’t have any proof of him

actually engaging in plan stamping, just offering to engage in plan stamping. She recommended following up on other projects Mr. Pfeifer has sealed plans for to see if there were any similar situations. After discussion, the Committee determined to issue a Letter of Concern (LOC) to Mr. Pfeifer regarding his professional practices when communicating with the public.

#### 2729 – George Landis/OSBEELS

OSBEELS opened a complaint against George Landis of Landis Consulting based on the allegation that Landis Consulting was offering the practice of engineering without a registered professional engineer being employed by the company. The website for Landis Consulting included engineering services, primarily electrical. Mr. Landis responded to the respond to allegations letter with a Company Questionnaire and information for Jeff VanElverdinghe, PE, who was the company's registered professional engineer. When the case became active for investigation, there was concern regarding two new individuals listed as professional engineers on the company's website whose license status could not be confirmed. Mr. Landis stated that only one of those individuals was currently employed by the company. Benjamin Perry, PE, was confirmed as a registrant and identified as the only professional engineer employed by Landis Consulting. Based on this information, **the Committee recommends that the Board close this case as allegations unfounded.**

#### 2731 – R. Bryce Stapley/OSBEELS

OSBEELS received a signed renewal form from R. Bryce Stapley, PE, certifying that he completed the required PDH units. Mr. Stapley was requested to participate in the audit of documentation to support the PDH units he claimed as a condition of the last biennial renewal period. Mr. Stapley did not respond. OSBEELS sent a second notification, to which Mr. Stapley did not respond. OSBEELS sent final notification by certified mail, which Mr. Stapley signed for. OSBEELS received a response from Mr. Stapley which explained that he did not have the records requested, as he considered himself retired from active practice. He said he hadn't worked on a project in Oregon since 2010. He submitted his Request for Retirement Status form with his response. He was under the impression that changing to retirement status would allow him to reactivate his license by submitting the required information in the time allowed. The audit file was transferred to the Regulation Department for further review. A law enforcement case was opened and a respond to allegations letter was sent. Mr. Stapley did not respond. Investigators sent a letter offering a final opportunity to respond via email and USPS. Mr. Stapley responded with an email that he would call. When Mr. Stapley spoke to investigators, he stated he was semi-retired at the time of the audit and is now completely retired and has sold his business. He said he had been earning 50+ CPD annually when his business was active and it is ironic he is audited now when he is retiring. Investigators encouraged him to try to get verifying documents recreated from his training vendors from the time of the audit period. Mr. Stapley was given a deadline for submission of those documents, but he did not respond. Based on this information, the Committee determined to issue a NOI to assess a civil penalty of \$3,000 and a 90-day suspension for violations of OAR 820-010-0635(1) & (5), OAR 820-020-0015(7) & (8).

#### 2734 – Gary D. Wicks/OSBEELS

OSBEELS received a renewal request from Gary D. Wicks, PE, PLS, CWRE. He was requested to participate in the audit of documentation to support the PDH units he claimed as a condition of

the last biennial renewal period. Mr. Wicks did not respond. A second notification was sent with no response. Final notification was sent to a different address and was returned as an insufficient address. Notification was sent to Mr. Wicks that the audit file was being transferred to the Regulation Department for further review and there was still no response.

A law enforcement case was opened and a respond to allegations letter was sent, but Mr. Wicks did not respond. When the case again became active, Mr. Wicks was sent a letter offering a final opportunity to respond. Mr. Wicks responded by email stating that he had submitted the requested information via certified mail and it had been signed for by an OSBEELS staff member. Investigators requested copies of the submitted information and Mr. Wicks submitted a CPD Organizational Form claiming 132 hours and documentation verifying 6 of those hours. Investigators followed up with Mr. Wicks and requested supporting documentation to verify the remaining hours. Mr. Wicks was given an extended deadline, but did not respond. Investigators emailed Mr. Wicks a final time and he still did not respond. Based on this information, the Committee determined to issue an NOI to assess a civil penalty of \$3,000 and a 90-day suspension for violations of OAR 820-010-0635(1) & (5) and OAR 820-020-0015(7) & (8).

#### 2737 – Ali Momeni/OSBEELS

The case of Ali Momeni, PE, was discussed during the October 14, 2011 Examinations and Qualifications Committee (E&Q). The E&Q Committee discussed whether Mr. Momeni demonstrated a continuing level of competency required as a condition of renewal. It was determined that he did not. Therefore, a law enforcement case was opened and a respond to allegations letter was sent. Mr. Momeni responded and disputed OAR 820-015-0026(3) when he was informed by OSBEELS staff that the grace period was not available to him. He argued that subsections (1) & (2) applied to him. He also requested to be put in retired status. A letter was sent by the Regulation Department informing Mr. Momeni that his request for retirement could not be granted due to the fact he was under investigation for failure to comply with CPD requirements. When the case recently became active, Mr. Momeni was given a final opportunity to respond to the audit request. He responded and reiterated that he did not have the required PDHs and requested he be given retirement status in lieu of any disciplinary action. Based on this information, the Committee determined to issue a Notice of Intent to assess a \$2,000 civil penalty and a 90-day suspension for violations of OAR 820-010-0635(1) & (5), OAR 820-020-0015(7).

#### 2776 – Irina Leschuk/OSBEELS

AAG Lozano recommended waiting to see how the case against Ms. Leschuk's business partner, Mr. Darling, turns out before moving forward.

**Staff update:** It was determined that, since DL Design Group is a corporation, not a partnership, the individual owners could not be held personally liable. The respondent in this case was changed to DL Design Group, Inc., not Ms. Leschuk individually.

#### 2813 – Gary Darling/OSBEELS

The Committee determined to draft an NOI to assess a civil penalty in the amount of \$2,000 for violations of ORS 672.007, ORS 672.045, and OAR 820-010-0720. There was no additional discussion.

**Staff update:** It was determined that, since DL Design Group is a corporation, not a partnership, the individual owners could not be held personally liable. The respondent in this case was changed to DL Design Group, Inc., not Mr. Darling individually.

### **New Business**

#### **Andrew M. Lasich, PE**

The Committee discussed a preliminary evaluation wherein OSBEELS received notification from Mr. Lasich that he had been disciplined by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors. Mr. Lasich's disciplinary action was based on his company not obtaining a Certificate of Authorization (COA), as required by the Oklahoma board. OSBEELS does not have rules requiring firms to register for a COA with OSBEELS or the Oregon Secretary of State. Therefore, OSBEELS cannot hold Lasich accountable for that violation. In addition, he successfully met the terms of the order of the Oklahoma board and that board reissued his PE registration. The Committee determined to not open a case.

#### **Jackson County Bridges**

The Committee discussed a preliminary evaluation wherein a complaint was received from Torleiv Flatebo, PE, alleging that his preliminary drawings which were provided to landowners for two bridges over E. Evans Creek Rd. in Jackson County, were used by Cross Creek Construction to build replacement bridges. Mr. Flatebo reported that he designed 75-100 small bridges in SW Oregon since 1973 and worked with Ausland Construction Co. Ausland sold part of the business to Timber Mountain Construction, with whom Mr. Flatebo continued his work designing small bridges. Employees of Ausland started their own company building bridges, which was named Cross Creek Construction. Mr. Flatebo heard rumors that Cross Creek was using his design and construction plans for projects.

Regardless of where the design originated, both bridge projects were constructed with a licensed engineer involved. The Committee agreed that there was not enough evidence to proceed further with this case. The Committee determined to not open a case.

#### **Tom Swart email regarding payments**

Mr. Swart emailed OSBEELS regarding his civil penalty payments. He explained that he hadn't been working and, therefore, had been unable to make payments. His total assessed civil penalties amounted to \$17,500 and he agreed to make monthly payments of \$50. He had been making regular payments, but recently he has been falling behind. While he made a \$120 payment to bring his account up to date in August 2012, his October 2012 payment was returned as NSF. His agreement includes a statement explaining:

“If Swart misses any \$50 payment and fails to pay any part of the payment on its due day, the entire remaining amount will become immediately due and the Board will assess a 15% interest rate on any unpaid balance.”

Mr. Hoffine asked if there was an option to renegotiate Mr. Swart's monthly payments. AAG Lozano said there is the option to renegotiate. Ms. Newstetter requested Mr. Swart attend a meeting to discuss payment options and explain his situation. AAG Lozano suggested the Committee wait until after the next Board meeting so Board members can be brought up to date regarding the situation. Mr. Hoffine asked what happens if Mr. Swart doesn't pay his total and Ms. Lopez explained that OSBEELS can send him to collections and put a lien on his properties.

After discussion, **the Committee recommends the Board invite Mr. Swart to the July 2013 Board meeting to discuss alternative payment options and explain his situation.**

#### LEC Summary vs. LEC Minutes

The Committee discussed the practice of using LEC summaries on the website rather than the complete LEC minutes. The summaries have all names redacted. The Board had previously approved this practice to maintain privacy for those involved in cases until Final Orders were issued. Staff indicated that redacting all the names requires a great deal of additional time. Staff also said the summaries are unnecessary because all of the names of those involved are already published on the website via the Committee and Board agendas and the Board minutes. **The Committee recommends the Board approve ceasing the use of LEC summaries on the Board's website.**

#### Unfinished Business

##### Case Disposition

**The following cases are ready for Board approval of the Consent Calendar:**

##### **Options Form, Default Final Orders**

2688 – Michael Rennick - \$500 civil penalty; will make \$100 per month payments

2698 – Lou Giottonini – Paid civil penalty of \$2,000

2828 – Colin Forbes – Did not contest invalidating his exam results

##### **Default Final Orders**

2715 – Jong-Rok Lee – Failed to respond within 21 days; \$3,000 civil penalty and 90-day suspension

2735 – Zaki N. Kiriakos – Failed to respond within 21 days; \$3,000 civil penalty and 90-day suspension

#### Request for Qualifications (RFQ)

The Committee discussed the content of the new RFQ policy. Members noted that it calls for selecting individuals based on qualifications and discussing price after. Ms. Lopez said RFQ is a better option because experts could be vetted much more quickly. AAG Lozano agreed and noted that semi-independent board don't have to use the model contract rules and that allows for quicker, easier operations in some cases. She also offered to help draft policies for OSBEELS contracting which would be easier and less restrictive than the model rules and better suited to a smaller organization such as OSBEELS.

Ms. Newstetter said that, even though OSBEELS is semi-independent, it's still a state agency. She said it's important to follow all of the rules, even if they are burdensome because it increases equality and transparency throughout state agencies. After discussion, **the Committee determined to send the updated RFQ documents to the Board for approval during the May 2013 meeting.** AAG Lozano offered to review these documents prior to the Board meeting.

#### Revisions to Law Enforcement Policies and Procedures

Most of the revisions and updates were housekeeping related. Regarding the Response Options form, AAG Lozano suggested addressing the issue of payment plans on the form to streamline the response process. She offered two options for dealing with payment plans. Either the Board can be responsible for approving all payment plans or the Board can delegate that responsibility

to Staff. The Response Options form should include an approved list of payment plans from which the respondent would choose which best works for them. The form would then be notarized and would act as a promissory note. If the respondent doesn't follow up with a payment plan choice or stops making payments, the full sum would be payable 70 days following the issuance of the Final Order. After discussion, **the Committee determined to discuss payment plan options with the Board during the May 2013 meeting.**

#### Law Enforcement Study Guide

Mitch Duryea of Oregon Institute of Technology has drafted a potential ethics course which can be used as part of law enforcement settlement agreements as an effort to reeducate or to fulfill PDH requirements. The current draft is geared towards land surveyors. Committee members agreed that it's a great program and will serve as a reminder for how land surveyors should be practicing and conducting themselves.

#### Attorney General Updates

##### 2618 – Martinez, OAH referral (Hearing July 2013)

AAG Lozano reported that Mr. Martinez did not call in to his pre-hearing conference. His hearing was scheduled for July.

##### 2778 – Knight, OAH referral (Hearing June 25, 2013)

There was no further discussion.

#### Case Status Report

The LEC offered no comments on total cases open (111), cases subject to collections (10), or on cases subject to monitoring (13).

The meeting adjourned at 3:03 p.m.