



Oregon

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

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PROFESSIONAL PRACTICES COMMITTEE

Minutes of Meeting

June 15, 2012

Members present:

Sue Newstetter, Chair

Steven Burger

Jim Doane

Staff present:

Mari Lopez

Jenn Gilbert (excused absence)

James R. (JR) Wilkinson

Others present:

Joanna Tucker-Davis, AAG

Sam Barnum, City of Medford

John Potter, Oregon Parks and Recreation Department

Steven Smith, Oregon Parks and Recreation Department

Darin Wilson, Oregon Parks and Recreation Department

Ed Butts, 4B Engineering

Adam Butts, 4B Engineering

The meeting of the Professional Practices Committee (PPC) was called to order at 1:17 p.m. in the conference room of the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) office at 670 Hawthorne Avenue SE, Suite 220, Salem, OR 97301.

Guest Discussion –

State Parks

As a result of a matter introduced during the April meeting, the Committee invited representatives from the Oregon Parks and Recreation Department (OPRD) for additional discussion. An email was submitted by Darryl Anderson requesting the Committee to review the project plans submitted as he believes the project requires a professional engineer. The project plans were put out by OPRD.

In reviewing the plans, the Committee noted that portions of the work appeared to require a professional engineer, such as the new pathways, while the maintenance overlays do not require the services of a professional engineer. Further, the Committee noted that the plans did not contain a seal and signature of a registered professional engineer. Representatives from OPRD explained to the Committee that the design for a 2" overlay on an existing path. After discussion, the Committee expressed appreciation for participating in the discussion. There was no further discussion.

City of Medford Electronic Plan Review

As a result of the discussion held in April, the Committee invited representatives from the City of Medford to discuss the Electronic Plan Review Applicant User Guide. The Committee initially received anonymous correspondence expressing concerns with the User Guide as it appears to violate Oregon Administrative Rule (OAR) 820-010-0621(2) - Final Documents. The last page of the User Guide states, *“After final payment is made, you will receive an email indicating that your application has been paid in full. There will be instructions for how to print and download your files. You will need to print one set of plans for the job site. If an architect designed the plan, they must “wet” sign the drawings and if an engineer designed the plan they must either “wet” sign or electronically sign the plan in accordance with Oregon State Law.”* The Committee agreed that this statement alludes to the City accepting unsealed documents for review. After discussion, Mr. Barnum noted that the City of Medford replicated the document from another city and did not recognize the finer nuances. As a result, Mr. Barnum will communicate the concerns back to the City of Medford and revise the language contained in the Guide. There was no further discussion.

Breitenbush Water Storage Reservoir-Roof Snow Loads

Ed Butts and Adam Butts attended the meeting to discuss with the Committee a circumstance dealing with modifying an original design. Mr. Butts informed the Committee that he discovered that the design snow loading for the new Breitenbush Water Storage Reservoir roof was established at 80 pounds per square foot rather than the appropriate value of 140-150 pounds per square foot. He went on to inform the Committee that the original structural engineer is no longer working on the project and the project has been suspended. Following his discovery, Mr. Butts stated that the services of a new structural engineer have been secured. This structural engineer is redesigning the entire roof structure, not modifying the original design. Marion County Building Inspection was then contacted in order to alert them as to the problem and the intended correction. Mr. Butts was then informed that the response from Marion County was that only the original design engineer can make any changes or corrections to the originally approved design, regardless if there is a life-safety issue or not involved. After discussion, the Committee pointed out OAR 820-010-0622 – Modifying Designs or Documents provides the guidance on how to handle this circumstance. Specifically, subsection 1 allows a professional engineer to modify designs or documents prepared and sealed by another professional engineer. There was no further discussion.

However, staff was directed to contact the Archives Division to correct the error in publishing the rule. OAR 820-010-0622 – Modifying Designs or Documents should read as follows:

820-010-0622

Modifying Designs or Documents

- (1) Documents prepared and sealed by a Professional Engineer may be modified only when all of the following requirements are met:
 - (a) Only a Professional Engineer can modify designs or documents prepared and sealed by another Professional Engineer.
 - (b) A Professional Engineer will only modify another Professional Engineer's design or document if they are competent by education or experience
 - (c) The Professional Engineer modifying another Professional Engineer's design or document will cloud, encircle, or in some other way clearly indicate the portion of the design or document they are revising and refer the viewer to a separate design or document.
 - (d) The Professional Engineer making the design revisions will seal and sign the separate design or document.

- (e) A Professional Engineer modifying designs or documents not sealed must provide all the engineering services that would have been required had they started the work from its origin.
 - (2) Professional Engineers modifying designs or documents prepared by an unlicensed person for an exempt structure must do the following:
 - (a) The Professional Engineer modifying the design or document will cloud, encircle, or in some other way clearly indicate the portion of the design or document they are revising and refer the viewer to a separate design or document.
 - (b) The Professional Engineer making the design revision will seal and sign the separate design or document.
- Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 672.325

New Business –

Overlapping Practices of Geotechnical Engineering and Engineering Geology

The Committee discussed an email received from Christine Valentine, Administrator of the Oregon State Board of Geologist Examiners (OSBGE) along with a draft response for OSBEELS review. OSBGE received an email from Larry Beskow seeking the position of OSBGE on whether a geotechnical engineer can provide reports related to potential geological hazards affecting proposed developments. Mr. Beskow informed OSBGE that the City of Medford is expanding into the hills, which lie along its easterly boundary. The City of Medford has been requiring Geologic Hazards Reports for developments in this area, and only accepting reports from Registered Geologists and Certified Engineering Geologists. The OSBGE draft response to Mr. Beskow was provided and Ms. Valentine is seeking input from the OSBEELS Board. After discussion, the Committee was uncomfortable with making a decision on the matter since the current make-up of the Committee lacked experience in the field of geotechnical engineering and the overlap between geotechnical engineering and engineering geology. Specifically, the draft response included a recommendation to the City of Medford differentiate what type of “civil” engineer is qualified, calling out civil and environmental disciplines. OAR 820-020-0020 allows engineers to practice in any field in which they are competent, when qualified by education or experience. As a result, Ms. Lopez was directed to contact Mr. Seward for assistance. There was no further discussion.

Update: Mr. Seward was presented with the draft response from OSBGE to Mr. Beskow for review. He agreed to the draft response with a minor recommendation to the last paragraph; to use the alternative phrase of “...appropriate licensed professional under ORS Chapter 672” instead of “...engineering geologists, geotechnical engineers, and general civil engineers...” The recommendation was included in the response to OSBGE.

Internal Emails and the Practice of Engineering

The Committee discussed an email received from John Seward related to internal emails and the practice of engineering. Mr. Seward inquired if an internal communication must be stamped if it is not meant to be distributed to the general public. He pointed to Oregon Revised Statute (ORS) 672.060(6) states, “...the engineering work is not offered directly to the public” and inquired if the industrial exemption would apply. As an example, he offered that if an engineer sends an email to a coworker with engineering recommendations, would the email have to contain the seal and signature? After discussion and using OAR 820-010-0621(1) as guidance, the Committee determined that more details regarding the content of the “internal communication” and the

recipient of the final product is needed to verify whether an exemption in ORS 672.060 would apply. Staff will respond accordingly.

Landscape Architects vs. Engineers

The Committee reviewed an email submitted by Todd Prager, a Certified Arborist inquiring several questions related to the City of Tigard's process of revising its tree code. He informs the Committee that part of the code revision involves setting soil volume requirements for street trees and parking lot trees involving calculating and displaying available soil resources for each tree. Mr. Prager stated that he was advised by the Oregon State Landscape Architect Board to direct his questions to OSBEELS. **After discussion, the Committee concluded to refer his questions for discussion with the full Board.** Staff will inform Mr. Prager of the details for the July Board meeting and invite him to attend.

Ethical Responsibilities

The Committee reviewed the email submitted by Gene Cochrane. Mr. Cochrane informed the Committee that he has a client that requested an assessment of an existing roof. Mr. Cochrane was unable to identify the allowable stress of the beams for the glulam beam flat roof because there was no documentation showing the grade of the beams and he was unable to access the full length of the beams to search for a grade stamp. As a result, he chose to use a low-end allowable stress value to calculate the carrying capacity of the beams. Further, his initial assessment suggested that the roof would not support the current code required snow load. Mr. Cochrane is now faced with the fact that his client has decided not to conduct further investigation and to his knowledge, has no plans to renovate the facility. The client will continue to use the facility with the anticipation of closing during snow days. After discussion, the Committee established that Mr. Cochrane met his professional responsibility as contained in OAR 820-020-0015(1), through notifying his client and the Board. For legal assistance, he must contact an attorney. Staff will respond accordingly.

Industrial Exemption (use of "engineer" in job title)

After a brief discussion, the Committee determined to table the discussion related to the topic of industrial exemptions. The National Council of Examiners for Engineering and Surveying (NCEES) has developed a task force to consider the issue of industrial exemption. Upon a report from the NCEES task force, the Committee can revisit the topic. There was no further discussion.

The meeting adjourned at 3:40 p.m.