



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

PROFESSIONAL PRACTICES AGENDA

Minutes of Meeting
February 26, 2016

Members present:

Chris Aldridge, Chair
Shelly Duquette
Ron Singh, Alternate (present during a portion of the meeting)
Oscar Zuniga

Members absent:

Logan Miles

Staff present:

Mari Lopez, Board Administrator
Jenn Gilbert, Executive Assistant
Jennifer O'Neill, Social and Communications Media Specialist

Others present:

Katharine Lozano, Assistant Attorney General
Gregory Bowers
Jason Kent, observer
Bill Boyd, observer (present only during the portions of the meeting when member Ron Singh was not participating)

The meeting of the Professional Practice Committee (PCC) was called to order at 1:13 p.m. in the OSBEELS Conference Room at 670 Hawthorne Avenue SE, Suite 220, Salem, OR 97301. Due to the absence of Mr. Miles, Mr. Singh volunteered to attend the PPC meeting in his place. Mr. Miles did, however, provide input via email.

Public Comment

There was no discussion.

Unfinished Business

There was no discussion.

New Business

OSBEELS responsibilities with respect to US Army Corps of Engineer and staff – Gregory Bowers

Mr. Bowers was in attendance to supplement the information on his Question form. In his Question form to the Board, Mr. Bowers inquired if *“Professional engineers working for the Army in Oregon do not need to be licensed in Oregon. Does the lack of requirement for registration in Oregon place Army engineers outside of any enforcement by OSBEELS, including to, but not limited to such issues as unsafe practices or any other ethical issue? If a civilian Army engineer that happens to be licensed in Oregon (or elsewhere) follows orders from the Army that conflict with OSBEELS regulations, does OSBEELS have the authority and means to enforce its rules if it so elects?”* After addressing the PPC, and an extensive discussion regarding OSBEELS jurisdiction pertaining to Mr. Bowers questions, AAG Lozano explained that OSBEELS is not technically a law enforcement agency. However, it does regulate the ethics of professional registrants. Work on federal lands is outside the Board’s authority; if an OSBEELS professional ethics requirement was inconsistent with federal law on treason on a particular issue, federal law would take precedence; and, OSBEELS jurisdiction would be difficult to establish in a case where the work was on federal land but might have potential (not actual) impact on Oregon property. Mr. Bowers requested AAG Lozano’s answer in writing. She responded that she would need that direction from the PPC. There was no further discussion.

ORS 92.180 questions – Bill Colisch

Chair Aldridge summarized the emailed received by Mr. Bill Colisch regarding Oregon Revised Statute (ORS) 192.180. Mr. Miles provided input via email regarding the matter. Mr. Singh agreed with Mr. Miles’ input to Mr. Colisch’s question. Not considering any local land use criteria or requirements, to accomplish the task of consolidating three parcels into two and removing the underlying platted lines, a professional land surveyor could use the re-platting process as defined in ORS 92.180. While a Property Line Adjustment could technically accomplish the act of moving the ownership boundary and reducing the number of properties to two, it could not remove (vacate) the underlying parcel lines created by the original partition plat. This could create problems in the future for determining setbacks, since the original parcel lines would still exist. The re-plat would create two new legal parcels and remove all previous ownership and parcel lines and yield the cleanest results for the future owners of the parcels. It was moved and seconded (Aldridge/Duquette) that a response be provided to Mr. Colisch accordingly. The motion passed unanimously. There was no further discussion.

SE seal on joist calculations – Bruce Brothersen

The Board received a Question form from Mr. Bruce Brothersen. In his Question form, Mr. Brothersen included, *“Vulcraft, a division on Nucor Corporation, is writing to get official clarification from the Board about the requirement of having a Structural Engineer seal our product calculations that are being used in “significant structures” in the state of Oregon. Our practice has been to seal these calculations by a Professional Engineer (PE) who is in responsible for the design. Recently, and for the first time, our calculations have been rejected by a jurisdiction for no bearing the stamp of a Structural Engineer (SE). We do not believe this is the intent of the code, for the components of the building to be sealed by the SE and would like to discuss this with a member of the Board.”* AAG Lozano stated that the jurisdiction determines the permitting requirements, and that they can be more (but not less) stringent than OSBEELS requirements, and Ms. Duquette quoted OAR 820-040-0020. AAG Lozano also explained that, on the flip side, the Board’s authority is not over entities that use unlicensed or

under licensed engineering work, rather it is over those who provide it. . It was moved and seconded (Duquette/Aldridge) that a response be provided to Mr. Brothersen explaining that the Board cannot overrule a design professional requirement for permitting determination by a jurisdiction if it's more stringent than the minimum requirements of OSBEELS. The motion passed unanimously. There was no further discussion.

FEMA P-154 Data Collection form – Bill Barlow

Mr. Bill Barlow submitted a Question form along with the FEMA P-154 Data Collection form. He asked if the form needs to be completed under the supervision of an Oregon registered design professional and stamped? Chair Aldridge looked to Ms. Duquette for her input as an Oregon registered SE. Ms. Duquette explained that the form provided appeared to be data collection, rapid visual screening. She added that some training would be required, but not necessarily engineering. After discussion, it was moved and seconded (Aldridge/Zuniga) that a response be provided to Mr. Barlow explaining that in the opinion of the PPC, the form provided appear to be data collection and not engineering and therefore does not require the responsible charge of an engineer. The motion passed unanimously. There was no further discussion.

Right of entry – H. Timothy Fassbender

Public agency right of entry – Peggy Keppler

Due to the nature of the question, the PPC requested legal advice from AAG Lozano. AAG Lozano explained that the other question submitted by Peggy Keppler also needs to be addressed but can be grouped under the same opinion. It was moved and seconded (Aldridge/Duquette) that an AAG opinion be provided on the matter to be considered during the next PPC meeting. The motion passed unanimously. There was no further discussion.

Engineering Professional Conduct concerns - Eric Colville

Chair Aldridge read an email received from Mr. Eric Colville regarding a Project Engineer (Facilities Engineer 3) position he applied and interviewed for with the Oregon Department of Fish and Wildlife (ODFW). Ms. Lopez explained that similar discussions have been held regarding Mr. Colville's concerns. She suggested that maybe the PPC would be interested in inviting someone from the ODFW to present on the matter. Ms. Duquette emphasized on the breadth of civil engineering and all that it encompasses. Mr. Zuniga noted that Mr. Colville did not specifically ask a question of the Board. It was moved and seconded (Duquette/Zuniga) that a response is provided to Mr. Colville encouraging him to submit a complaint if he is aware of any incompetent, negligent, or unlawful practice. The motion passed unanimously. There was no further discussion.

The meeting adjourned at 2:27 p.m.