



# Oregon

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

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**PROFESSIONAL PRACTICES COMMITTEE**

Minutes of Meeting

October 14, 2011

Members present:

Sue Newstetter

Steven Burger

Jim Doane (excused absence)

John Seward (excused absence)

Ken Hoffine

Staff present:

Jenn Gilbert (excused absence)

Mari Lopez

Others present:

Joanna Tucker-Davis, AAG

JR Wilkinson

Eric Walter

Ms. Newstetter called the meeting of the Professional Practices Committee (PPC) to order at 1:25 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. In order to have the quorum necessary to hold the PPC meeting, Ken Hoffine was requested as a substitute member prior to the meeting.

Since Mr. Walter was present to discuss his concerns related to the Professional Engineer's Stamping Requirements, Chair Newstetter requested to modify the agenda and discuss the topic as the first item under "New Business."

**Guest Discussion –**

**Professional Engineer's Stamping Requirements**

The Committee reviewed an email from Eric Walter, PE, Plans Examiner for the Douglas County Building Department wherein he discussed the circumstances he is facing as a Building Official to apply the stamping requirements for "residential" structures under the application of the Oregon Revised Statute (ORS) 672.060(10) and (11). It was noted that the Professional Practices Committee had previously discussed this issue with another professional engineer and Mr. Walter's concerns are consistent with that discussion. Mr. Walter explained that residential plans are often prepared by unlicensed persons. Frequently, there will be "structural calculations only" submitted along with design plans with no apparent integration between the documents. Additionally, he further explained that some professional engineers refuse to place their seal on plans because the project falls under the definition of "residential." After a lengthy discussion,

the Committee responded that prior to the 2009 Legislative Session, if the documents for an exempt structure were prepared by a professional engineer, the professional engineer was not required under ORS 672 to seal and sign those documents. However, Senate Bill (SB) 143 eliminated this exemption for professional engineers. As such, effective January 2010, if the documents for an exempt structure are prepared by a professional engineer, the statutes and rules require the professional engineer to seal and sign those documents. The Committee found that Oregon Administrative Rule (OAR) 820-010-0621(1) states, "*In addition to the final documents identified in ORS 672.020(2) and 672.025(2), final documents include plats, design information, and calculations. All final documents will bear the seal and signature of the registrant under whose supervision and control they were prepared.*" and that a professional engineer should only seal documents of which they had control over. At the present time, this situation could be resolved by following OAR 820-010-0622 (even if the plan wasn't prepared by a professional engineer). Moreover, a local jurisdiction may have in place more stringent requirements than what is contained in the ORSs or OARs. Ms. Lopez added that the Rules and Regulations Committee reviewed a draft rule earlier in the day that would provide further stamping direction for exempt structures. As a result, the work is in progress.

### **Unfinished Business –**

#### **Professional Practice in Forest Engineering**

As discussed during the September Board meeting, the Committee reviewed and discussed the draft response to Marv Pyles regarding the hypothetical questions he submitted to assist with the redesign of a forest engineering curriculum at the Oregon State University. After a few minor revisions to the letter, the Committee approved the draft letter for Ms. Newstetter's and Ms. Lopez's signature.

### **New Business –**

#### **Surveying Question**

The Committee reviewed an email inquiry from Melissa Armstrong related to land surveying. After discussion, and as a result of differing interpretations, the Committee would like to invite Ms. Armstrong to the December meeting for additional discussion.

#### **Digital Signatures**

The Committee reviewed a discussion paper regarding digital signatures from Kristi Nelson. Ms. Nelson gave her input and evaluation of the application of digital signatures. Ms. Newstetter explained that after preparing for the OSBEELS Symposium, it became clear to her that the Board needs to improve the rule. Ms. Newstetter will recommend that the Board create a sub-committee to closely review the rule and work on examples during the November Board meeting. **As a result, it was determined to present the discussion paper regarding digital signatures during the November Board meeting for further consideration.**

#### **Use of Engineer Title Without Registration Prohibited**

The Committee reviewed a lengthy email string between JR Wilkinson, OSBEELS Investigator and Scott Crane, Associate General Counsel & Assistant Secretary for NACCO Materials Handling Group (NMHG). The exchange began regarding an employee of NMHG, David Hamilton, who may have inadvertently violated Oregon law by communicating with OSBEELS

via email with a signature block reflecting his title as “Chief Engineer, NVH” when he is not registered as a professional engineer in Oregon. After a brief discussion, the Committee determined that an industrial exemption applies to the *engineering work* performed by NMHG. However, that exemption does not extend to the *use of the engineer title* without registration if the employee uses the title of “engineer,” “professional engineer,” or “registered professional engineer” outside the workplace. Staff noted that concerns continue to surface about these types of engineering titles and how they are being used in Oregon that improperly convey professional registration. Staff will respond accordingly.

The meeting adjourned at 3:03 p.m.