



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

RULES & REGULATIONS COMMITTEE

Minutes of Meeting

February 15, 2013

Members present:

Ken Hoffine, Chair

Carl Tappert

Amin Wahab

Staff present:

Mari Lopez

Jenn Gilbert

JR Wilkinson

Others present:

Katharine Lozano, Assistant Attorney General

James Doane (Observer)

Steven Burger (Observer)

Sue Frey (Observer)

Bob Neathamer

Jim Griffis

Gary Nielson, Washington County Surveyor's Office

The meeting of the Rules and Regulations Committee was called to order at 8:08 a.m. in University of Phoenix classroom 101 at 670 Hawthorne Avenue SE, Salem, OR 97301, as the conference room of the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) is under construction.

Unfinished Business

OAR 820-010-0442 – Application Deadlines

AAG Lozano said she is drafting legal advice regarding forwarding applications and fees. The Committee determined to revisit this rule during the April 12, 2013 meeting.

OAR 820-010-0621 – Final Documents

Ms. Lopez reminded the Committee that AAG Lozano suggested splitting this rule into two separate rules – one for engineers and one for land surveyors. This split would remedy much of the confusion regarding the definitions of final documents, which vary between professions. Ms. Lopez said, since the surveyors have their own section in the OARs, a rule regarding Final Documents could be addressed in Division 30.

Mr. Tappert said if professionals are required to seal all documents, there would be confusion with items which are marked "For Review", but also stamped. Mr. Hoffine said the provisions

for marking documents as “For Review” or “Preliminary” would ease the confusion if everyone was aware of the rules. AAG Lozano asked the Committee about the ultimate goal for this rule. Mr. Tappert said the rule is to eliminate engineers or land surveyors giving documents to clients and then the client files the documents without engineer approval. With this rule, building officials and county surveyors would know, without exception, that if a document doesn’t have a seal, it can’t be used or filed. AAG Lozano said this would require a lot of coordination with building officials and county surveyors. She also said that the Board lacks the jurisdiction to enforce that type of rule. The Board doesn’t have the authority to tell building officials to deny documents or to bring sanctions against non-registrants for violations of this rule. AAG Lozano also pointed out that it wouldn’t be a registrant’s fault if a document is properly marked as “Preliminary” or “Draft” and a client or building official uses that document in a way other than for review purposes.

Mr. Hoffine also said he had issue with the wording of “any document” in the draft language. He said this is too broad and could mean all letters, notes, and other documents which aren’t considered engineering or land surveying documents. Ms. Lopez said this wording was previously included in the OAR, however, it was removed the Board office has received criticisms about its removal. Mr. Tappert pointed out that other rules and statutes define what documents this rule would apply to. AAG Lozano said Oregon Revised Statute (ORS) 672.020(2) defines that only final documents are required to be stamped, therefore, the Board doesn’t have the authority to make registrants sign and seal any other documents. AAG Lozano said another option the Board has is to define, under rule, what are considered final documents for engineers and land surveyors to show the differences between final documents for the two professions. For example, some land surveying documents are considered final, even without a stamp and signature.

Mr. Wahab suggested adding “permitting” to the instances where all documents submitted must be stamped and signed. Ms. Frey said this causes an issue with “Courtesy Copies” that some engineers give to permitting officials prior to the start of the permitting process for a large project. She explained that there are 30%, 60%, etc. designs which allow the officials to become familiar with the details of the project prior to the permitting process beginning. She said many officials don’t want final, stamped and sealed documents to be the first time they see a project. Mr. Neathamer said “Courtesy Copies” are against statute. He said if an engineer is submitting a design to officials, it must be stamped and signed. Mr. Hoffine pointed out that the “Courtesy Copies” aren’t final; therefore, engineers can’t be forced to seal the documents. AAG Lozano agreed with Mr. Hoffine’s statement.

AAG Lozano said the Committee needs to determine the intended use of this rule prior to further discussion. Therefore, the Committee determined to revisit this rule during the April 12, 2013 meeting.

[OAR 820-010-0622 – Modifying Designs or Documents](#)

The Committee approved the proposed draft rule for presentation to the March Board meeting to begin the rulemaking process. Staff will send the proposed rule to the Architect Board for review.

OAR 820-050-0010 – Continuing Professional Development Requirements: Failure to Comply

The Committee again reviewed this rule following calls by Registered Geologists (RG) to the Board office with questions relating to the requirements set forth in OAR 820-050-0010 for Certified Water Right Examiners (CWRE). Inquiries were made by several RGs. Oregon RGs

do not currently have continuing education requirements like those required for OSBEELS registrants. Mr. Hoffine said that proportional requirements need to be determined for non-registrants who hold CWRE certification. Ms. Lopez asked if a separate rule would be required for geologists. AAG Lozano suggested creating a temporary rule for the Rulemaking Hearing which addresses the PDH requirements for Registered Geologists, specifically. [The Committee directed staff to draft a rule addressing the PDH requirements for Registered Geologists for review at the March 2013 Board meeting.](#)

New Business

Building Department Summary of Important Facts

Mr. Nielson came to the Committee again to further discuss the requirements for building officials to keep them in compliance with OSBEELS rules and statutes. Mr. Nielson asked specifically about designers' drawing versus engineering calculations. He said when a designer designs an exempt structure, they can either use a by-the-book determination for lateral forces or they can have the lateral forces determined by an engineer. Mr. Nielson asked, if a designer drafts something, but the design doesn't meet lateral force specifications and the designer needs to bring in an engineer for calculations, does the engineer only stamp the calculations? Mr. Tappert said, yes, the engineer wouldn't stamp the original drawing, but create new drawings which could legally be stamped. Mr. Nielson then asked if the engineer would stamp clouding or other modifications. Mr. Tappert said that engineers can only stamp what they create. Ms. Frey said the engineer should cloud the areas that need modifications and then refer back to their calculations, which must be stamped and signed.

AAG Lozano suggested gathering building officials and Board members for outreach events due to the many interrelated issues the Board and Committees have been discussing which pertain to building officials. It could potentially be addressed at the 2013 OSBEELS Symposium or at the annual building officials meeting. Mr. Nielson was invited to the March 2013 Board meeting for further discussion.

2013 Legislation

SB208

Ms. Lopez reported that she testified on this bill on February 5, 2013, it had passed the Senate, and had its 3rd reading on February 14, 2013.

SB209

Ms. Lopez reported that she testified on this bill on February 5, 2013, it had passed the Senate, and had its 3rd reading on February 14, 2013.

SB254, SB300, HB2524, HB2268, SB298, HB2636

Ms. Lopez brought these Senate and House Bills to the Committee because the content may be of interest to the Board. The Committee did not identify any content in these Bills which would require action from Staff or the Board.

The meeting adjourned at 9:10 a.m.