



# Oregon

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

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## RULES & REGULATIONS COMMITTEE

Minutes of Meeting

August 15, 2014

### Members present:

Ken Hoffine, Chair

William Boyd

Shelly Duquette

Jason Kent

### Staff present:

Mari Lopez, Administrator

Jenn Gilbert, Executive Assistant

### Others present:

Katharine Lozano, Assistant Attorney General

Oscar Zuniga (Observer)

The meeting of the Rules and Regulations Committee was called to order at 8:05 a.m. in the OSBEELS Conference Room at 670 Hawthorne Avenue SE, Suite 220, Salem, OR 97301.

### **Public Comment**

There was no public comment.

### **Unfinished Business**

#### **Definition for "appurtenance"**

The Committee discussed the information provided in which there was concern related to "appurtenance." From the discussion in June, it was unclear to the current Committee members as to the need for the definition. Ms. Duquette noted that there is no definition in the Building Code. In reviewing the past minutes provided by staff, AAG Lozano was still unclear as to why this issue was under consideration by the Board, but Committee members noted that it appeared the issue that raised concerns was actually retaining walls, and if they were appurtenances, which would make their design exempt from registration if they were next to an exempt structure (e.g., gazebos, garages, separate dwelling units, etc. have all been considered "appurtenances" by the Board). Under the State Building Code, as Ms. Duquette explained, plans for a retaining wall taller than 4' and supporting a sloping backfill or structure must be stamped by a professional engineer.

AAG Lozano noted that the Board cannot enforce requirements of the State Building Code. Staff pointed to ORS 672.060 subsections 10 and 11 which refer to an appurtenance. After further discussion, the Committee assigned AAG Lozano to draft rules for consideration that

incorporate the definition of appurtenance as used by the CCB and OBAE, and taking into account the requirements by Building Codes. Further discussion will be held in October.

#### OAR 820-010-0465 – Application for Readmission to Examination

The Committee reviewed draft revisions to OAR 820-010-0465 – Application for Readmission to Examination. It was noted that using the diagnostic reports from NCEES will be helpful in the review by the Examinations and Qualifications Committee members and the diagnostic report can also be used to help the applicant focus on areas of deficiencies. There was no change in requirements for the Oregon Specific examinations. After a few minor revisions, the Committee recommends the Board begin the rulemaking process for OAR 820-010-0465, as revised. There was no further discussion.

#### New Business

##### OAR 820-010-0417 – Nature of Examination for Structural Engineer

The Committee reviewed draft revisions to OAR 820-010-0417 – Nature of Examination for Structural Engineer. The draft language clarifies that successfully passing the professional examination in a branch other than structural is required to qualify for the structural examination. It was noted that this was not always the requirement in Oregon. Mr. Kent inquired why the rule doesn't require a civil before sitting for the structural. Ms. Duquette noted that the law or rules don't preclude other disciplines. It also depends on what field the individual falls into. It would be very difficult to successfully pass the structural examination without the experience and rarely would an electrical engineer apply to add the structural discipline. On the flip side, a civil working in hydrology or transportation also may not have the experience to successfully pass the structural examination. AAG Lozano pointed to Section 3 as the stop gap that requires two years of progressive responsibility in the structural field. After discussion and changing the paragraphing structure, the Committee recommends the Board begin the rulemaking process for OAR 820-010-0417, as revised. There was no further discussion.

##### OAR 820-010-0440 – Schedule of Examinations

The Committee reviewed draft revisions to OAR 820-010-0440 – Schedule of Examinations. The draft language revises the title of the Agricultural PE examination administered by NCEES to Agricultural and Biological in addition to adding the fundamentals examinations are computer-based examinations and administered at NCEES approved test centers. AAG Lozano recommended removing the specific reference to Pearson VUE, the current approved test center, in the case NCEES approves a different testing vendor. After discussion, the Committee recommends the Board begin the rulemaking process for OAR 820-010-0440, as revised. There was no further discussion.

#### Legislative Update

Ms. Gilbert informed the Committee that the OSBEELS' legislative concept has been submitted and a final draft is pending. Mr. Boyd volunteered to assist staff in the presentation to the Legislature if his schedule permits. AAG Lozano, if allowed by the DOJ, also offered to assist in the presentation.

Chair Hoffine inquired about the process in which matters are given to the Committee. Ms. Lopez stated that it depends on the matter. Sometimes they are referred to by another Committee, such as OAR 820-010-0465 that was referred to this Committee by the Examinations

and Qualifications Committee. In other situations, staff may find a discrepancy during the normal course of business and will then place the topic on the agenda for the Committees awareness and consideration, such as OAR 820-010-0440. There was no further discussion.

The meeting adjourned at 8:42 a.m.