



Oregon

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

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RULES & REGULATIONS COMMITTEE

Minutes of Meeting

February 10, 2012

Members present:

Ken Hoffine

Amin Wahab

Steven Burger

John Seward (excused absence)

Carl Tappert (excused absence)

Staff present:

Mari Lopez

Jenn Gilbert

Others present:

Joanna Tucker-Davis, Assistant Attorney General

In the absence of Chair Seward, Mr. Wahab called the meeting of the Rules and Regulations Committee to order at 8:00 a.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 a quorum, Mr. Burger was requested to participate as a substitute member as well.

New Business –

OAR 820-010-0215 – Form of Applications

The Committee reviewed draft language proposed to revise Oregon Administrative Rule (OAR) 820-010-0215 – Forms of Applications. The revised language includes that applications not meeting the requirements are also not eligible to forward fees; this includes incomplete applications. After a brief discussion, **the Committee approved the proposed draft rule for presentation to the March Board meeting to begin the rulemaking process.**

OAR 820-010-0226 – Educational Requirements to Take the Fundamentals of Land Surveying (FLS) Examination for Enrollment as a Land Surveyor Intern (LSI)

The Committee was presented with draft language to revise OAR 820-010-0226 – Educational Requirements to Take the FLS Examination for Enrollment as a LSI. As a result of the request from the Forest Operations Management (FOM) program at Oregon State University (OSU), the draft language attempts to clarify the criteria for reviewing education obtained from a non-ABET degree program related to engineering or land surveying. After discussion, the Committee determined to table the discussion and review the requirements for accredited surveying programs and any guidelines that the National Council of Examiners for Engineering and

Surveying (NCEES) may have. The Committee would also like to request input from the professional land surveyors on the Board.

OAR 820-010-0622 – Modifying Designs or Documents

The Committee reviewed draft language, including suggestions provided by Carl Tappert, to revise OAR 820-010-0622 – Modifying Designs or Documents. The proposed language separates the circumstances in which a professional engineer may modify designs or documents. Subsection 1 refers to when the original design or document was prepared and sealed by another professional engineer. Subsection 2 refers to when the original design or document was prepared by an unlicensed person for an exempt structure. Upon review and discussion, the Committee made minor revisions to alleviate the confusion as previously discussed in December. As a result, **the Committee approved the proposed draft rule, as revised, for presentation to the March Board meeting to begin the rulemaking process.**

OAR 820-010-0730 – Use of Engineering Title if Registered in Another Jurisdiction

The Committee reviewed and discussed draft language of OAR 820-010-0730 – Use of Engineering Title if Registered in Another Jurisdiction. With a minor revision, the **Committee approved the proposed draft rule, as revised, for presentation to the March Board meeting to begin the rulemaking process.**

Former Registrants – AAG Memorandum

Mr. Wahab took the Committee into Executive Session as provided by Oregon Revised Statute (ORS) 192.660(2)(f) to discuss the advice provided by AAG Tucker-Davis. The Committee was provided with a confidential memorandum from AAG Tucker-Davis regarding the requirements to become registered again in Oregon for a person who has let their license lapse for over five years or for a person who has previously had their license revoked by the Board. **Upon returning to open session, it was noted that no action was taken during Executive Session.**

The Committee discussed additional scenarios related to enrollment as an engineer intern (EI) or land surveyor intern (LSI), the issuance and expiration of certificates for EIs or LSIs, and other issues of timing and examinations. As a result, AAG Tucker-Davis withdrew her memorandum and will continue to research the matter for discussion during the April meeting.

Unfinished Business –

SB126 Rulemaking Implementation

As a result of a recent changes in the statutes¹, Carl Tappert provided a brief summary of the rules that he believes should be amended to include the practice Certified Water Right Examiners (CWRE). Discussion was held regarding the suggestions made by Mr. Tappert for revisions to be considered to the following rules:

- OAR 820-010-0635 – Continuing Professional Development. Discussions to be held with the Oregon State Board of Geologists Examiners since geologists currently do not have CPD requirements.

¹ The revisions in statutes clarify that OSBEELS has the responsibility to include the regulation of the CWRE practice in its authority.

- OAR 820-010-0720 – Advertising for or Offering to Perform Services without Employing a Licensee. Include holding a certificate as a CWRE.
- OAR 820-015-0026 – Failure to Comply with Continuing Professional Development Requirements. Consistent with changes in OAR 820-010-0635.
- OAR 820-020-0005 – Preamble (Rules of Professional Conduct). Reference the rules codified by the Water Rights Department in OAR Chapter 690, Division 14.

In addition, the right of entry for a CWRE was also noted. AAG Tucker-Davis will conduct further research regarding this matter along with the authority of the Board to impose disciplinary action on a CWRE for violations of the rules of professional conduct. Discussion will continue during the April meeting.

The meeting adjourned at 10:22 a.m.

Digital Signature Discussion

Due to the excused absences of Mr. Seward and Mr. Tappert, no discussion was held regarding digital signatures.