



Oregon

State Board of Examiners for
Engineering & Land Surveying
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Minutes of Meeting
March 8, 2011

CALL TO ORDER

President Davis called the meeting to order at 9:00 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, Oregon 97301.

Members Present:

Grant Davis
Edward Butts
James Doane
Ken Hoffine
Mari Kramer
Dan Linscheid
Carl Tappert
Sue Newstetter
John Seward
Amin Wahab

Visitors Present:

Bob Neathamer, PLS
Jim Griffis, PLS

Others Present:

Mari Lopez, OSBEELS Executive Secretary
Jenn Gilbert, OSBEELS Executive Assistant
Allen McCart, OSBEELS Investigator
JR Wilkinson, OSBEELS Investigator
Joanna Tucker-Davis, Assistant Attorney General

APPROVAL OF AGENDA

Mr. Seward requested to add one minor item to the agenda under Unfinished Business; Item D. Housekeeping. It was moved and seconded (Linscheid/Tappert) to approve the agenda as amended. The motion passed unanimously.

APPROVAL OF MINUTES

It was moved and seconded (Newstetter/Tappert) to approve the minutes of the January 11, 2011 Board Meeting as presented. The motion passed unanimously.

PUBLIC INPUT

President Davis welcomed the Mr. Neathamer and Mr. Griffis. There were no further comments.

EXECUTIVE SECRETARY'S REPORT

Committee Activities

Ms. Lopez reported that the Examinations and Qualifications (E&Q) Committee, External Relations Committee (ERC), Finance Committee, Law Enforcement Committee (LEC), Professional Practices Committee (PPC), Rules and Regulations (R&R) Committee, Standards of Land Surveying Practices, and the Board Member Search Committee each met during the interim. The Committee minutes were included in the packets.

Administrative Activities

Registration

Ms. Lopez reported that the June 30, 2011 biennial renewal reminders are scheduled to be sent in April. The biennial renewal form was updated to reflect the new requirements related to Continuing Professional Development: registrants are required to submit the CPD Organizational form along with their renewal to certify completion of the required professional development hours (PDH) units. This requirement is effective with the June 30, 2011 biennial renewal cycle.

Oregon Specific/National Council of Examiners for Engineering and Surveying (NCEES) Examinations

Ms. Lopez reported that the National Council of Examiners for Engineering and Surveying (NCEES) examinations are scheduled to be held in Salem at the Oregon State Fairgrounds on April 8-9, 2011. The Oregon Specific Land Surveying examination is scheduled to be held on April 9, 2011 at the University of Phoenix in Salem. Ms. Lopez further reported that there are 25 examinees approved for the Oregon Specific Land Surveying examination. In addition, she noted that there are 14 examinees approved for the Certified Water Right Examination that will be held on April 8, 2011 at 2 locations; La Grande and Salem. There were also 2 examinees approved for the Oregon Specific Forest Engineering examination to be held on April 8, 2011 in the Conference Room of the Board office.

Examination Agreements

Ms. Lopez reported that in February, the Board entered into an agreement with the Colonial States Boards for Surveyor Registration (CSBSR). This agreement allows the Board to administer the Photogrammetric Mapping Examination developed and owned by the CSBSR. The Board congratulated Ms. Lopez!

Oregon Department of Revenue

Ms. Lopez briefly reported that representative of the Department of Revenue (DOR) met with Ms. Gilbert to provide statistics related to the Board's participation in the Licensee Tax Compliance Information Project (HB3082). As of December 31, 2010, DOR collected a total of \$174,448 and entered into payment plans for an additional \$106,100. Additionally, DOR refunded \$32,508 to the individuals owed a refund.

Semi-Independent Agency Biennial Reports

Ms. Lopez provided the members with a copy of the Review of Semi-Independent Agency Reports that was submitted to the Interim Joint Ways and Means Committee in February. The information in this report is submitted by Board staff compliant with Oregon Revised Statute (ORS) 182.472.

Semi-independent Board Administrators (SIBA) Meeting

Ms. Lopez briefly noted that a Semi-independent Board Administrator (SIBA) meeting is scheduled to be held on Tuesday, March 15, 2011 at the Optometry Board due to their large conference room, but hosted by the Oregon Board of Massage Therapists (OBMT).

2011 Western Zone Meeting

Ms. Lopez provided the members with information from the Idaho Board requesting support of Dave Curtis, PE for Secretary/Treasurer of the Western Zone. Mr. Seward expressed interest in attending the meeting during a previous meeting but reported that he may have a scheduling conflict. President Davis, Mr. Linscheid, and Ms. Newstetter are also scheduled to attend the meeting.

NCEES 90th Annual Meeting

Ms. Lopez briefly stated that the date and place for the NCEES 90th Annual Meeting has been announced; August 24-27, 2011 in Providence, Rhode Island.

Engineers Week

Ms. Lopez reported that the Registration Department staff, Jennifer Carmack and Amanda Sloan, managed a booth at the Southwestern Oregon Community College (SOCC) on February 23, 2011 in celebration of the 5th Annual National Engineers Week. In addition, they presented information about the Board, the examination process, and the registration process (the pathway to engineering and/or land surveying professions).

Oregon Design Professionals Day at the Capital

Ms. Lopez reported that she was joined by President Davis and Mr. Seward in attending the Oregon Design Professionals Day at the Capital. This event was an opportunity for the legislators to address the design professionals (i.e., architects, engineers, land surveyors, and landscape architects) as a group. This was also an opportunity for the design professionals to meet with legislators concerning legislative agendas, to answer any questions, and to offer support. Ms. Lopez reported that the OSBEELS representatives met with legislators to discuss Senate Bill (SB) 157 and House Bill (HB) 3016.

Oregon Association of County Engineers and Surveyors (OACES)

Ms. Lopez briefly noted that Amelia Volker and Tina Sorensen, Accounts Specialists, are scheduled to join her in a presentation to update the Oregon Association of County Engineers and Surveyors (OACES) on continuing professional development requirements on March 17, 2011 at the Kroc Center in Salem.

American Society of Civil Engineers (ASCE) – SW Washington Branch

Ms. Lopez also noted that staff has been invited to update the American Society of Civil Engineers (ASCE) on professional conduct/ethics issues, recent disciplinary actions and the complaint process on May 19, 2011.

Professional Engineers of Oregon (PEO) Annual Conference

Additionally, Ms. Lopez and President Davis are scheduled to present current information on

OSBEELS activities on May 20, 2011 in Wilsonville at the Holiday Inn.

Board Vacancies

Ms. Lopez stated that the Governor's office has yet to fill the position that was vacated by George Gross, PE in 2007 (Congressional District 3).

Staffing

Ms. Lopez mentioned that the announcement for the full-time Investigator position has been posted since December 1, 2010; OSBEELS has received 14 applications. The first round of interviews was scheduled on February 15 and 16, 2011 and the second round of interviews is scheduled for March 9 and 10, 2011.

Furthermore, she noted that the announcement for the full-time Social and Communications Media Specialist position has been posted since January 3, 2011. As of this date, OSBEELS has received 1 application. As a result, no interviews have been scheduled at this time.

PRESIDENT'S REPORT

President Davis briefly reported on the highlights of the Board President's Assembly held on February 10-12, 2011 in Atlanta, Georgia. A few of these highlights were computer-based testing, credential evaluations, and the registered continuing education program. He provided copies of the PowerPoint presentations for the members' convenience. He also stated that the computer-based testing will likely be released in mid-2013.

EXAMINATIONS AND QUALIFICATIONS COMMITTEE

Mr. Butts reported that the E&Q Committee met on February 10, 2011 to discuss the matters contained in the Committee minutes. Additionally, discussion was held related to the following matters:

Oregon Specific Land Surveying Report

It was moved and seconded (Wahab/Butts) to approve the proposed examination liaison and the volunteer development team as subject matter experts with regard to the Oregon Specific Land Surveying Examination. The motion passed unanimously.

ID #79929

President Davis then took the Board into Executive Session as provided by Oregon Revised Statute (ORS) 192.660(2)(f) to consider information or records that are exempt by law from inspection.

Upon returning to open session, it was noted that no action was taken during Executive Session.

It was moved and seconded (Kramer/Wahab) to comply with the NCEES recommendation and to invalidate examination results for ID #79929. The motion passed; one opposed (Doane).

Registration

Comity Applications – Mr. Butts directed the members’ attention to the list of 71 professional engineer applicants and 1 professional land surveyor applicant for registration by comity. It was moved and seconded (Butts/Kramer) to approve the list of 72 professional applicants as presented. The motion passed unanimously.

1st Registration Applications – Mr. Butts directed the members’ attention to the 13 applicants seeking 1st registration. It was moved and seconded (Butts/Kramer) to approve the 13 applicants as presented. The motion passed unanimously.

EXTERNAL RELATIONS COMMITTEE

Ms. Kramer reported that the ERC met on February 10, 2011, to discuss the matters as contained in the Committee minutes. Additional discussion was held by the Board regarding the following matters:

Oregon Examiner Topics –

Digital Signatures

It was moved and seconded (Kramer/Butts) to approve the article as presented. The motion passed unanimously.

Appointments to the Board

It was moved and seconded (Kramer/Newstetter) to approve the article as presented. The motion passed unanimously. Comment was also given to place a press release on Board appointment to the Daily Journal of Commerce (DJC).

CPD Organizational Form

It was moved and seconded (Kramer/Linscheid) to approve the article as presented. The motion passed unanimously.

FINANCE COMMITTEE

Mr. Tappert reported that the Finance Committee met on February 10, 2011, to discuss the matters as contained in the Committee minutes. Additional discussion was held regarding the following matters:

2011 – 2013 Biennium Budget

It was moved and seconded (Tappert/Linscheid) to approve the budget as presented for the Rulemaking Process. The motion passed unanimously.

Finance Reports

Members reviewed the Statement of Net Assets (Balance Sheet) and the Statement of Activities (Profit and Loss Statement for the period of July 1, 2009 through January 31, 2011. This time period reflects the latest data received in bank statements for the 2009 – 2011 biennium.

LAW ENFORCEMENT COMMITTEE

Mr. Linscheid reported that the LEC met on February 11, 2011, to discuss the following matters:

Informal Conferences:

2640 – Jeffery D. Nichols / OSBEELS

Mr. Linscheid reported the Committee met by teleconference in an informal conference with respondent Jeffery Nichols, PE, to discuss a Notice of Intent to Suspend Registration for 90-days and to Assess a \$1,000 Civil Penalty (NOI) for lack of cooperation during an audit of his continuing professional development (CPD) activities, in violation of OAR 820-020-0015(8) and ORS 672.200(4). Mr. Nichols signed his renewal form certifying he had completed the required professional development hour (PDH) units, but failed to respond to two audit requests for supporting documentation. When a third request was sent, the return receipt card showed it was received. Since Mr. Nichols failed to respond, his audit file was referred to the Regulation Department. When contacted by a Board investigator, Mr. Nichols explained he could not provide documentation because his computer failed and files were unrecoverable. Eventually, however, he provided documentation to show audit compliance. Mr. Linscheid noted that Mr. Nichols did not seem to take the audit request seriously until contacted by an investigator. Because he failed to accept the importance of the audit until the NOI was issued, Mr. Nichols agreed to settle the case with a \$750 civil penalty and a 30-day suspension. It was moved and seconded (Linscheid/Butts) to approve the settlement agreement with Mr. Nichols. The motion passed unanimously.

2639 – Michael R. Moore / OSBEELS

Mr. Linscheid reported the Committee met by teleconference in an informal conference with respondent Michael Moore, PE, to discuss a Notice of Intent to Assess a \$1,000 Civil Penalty (NOI) for violation of OAR 820-010-0635(1),(5) and OAR 820-020-0015(7). When audited, Mr. Moore submitted a CPD Organizational form with his PDH units listed without supporting documentation. As a result, Mr. Moore was sent a second notice requesting supporting documentation. Since no response was received, his audit file was referred to the Regulation Department for review. Mr. Linscheid commented that Mr. Moore submitted the information for review, but it did not total the required 30 PDH units. The Committee offered Mr. Moore a \$750 civil penalty that he did not accept. Mr. Moore offered to surrender his registration without reinstatement in lieu of the civil penalty. It was moved and seconded (Linscheid/Kramer) to approve the settlement agreement with Mr. Moore. The motion passed unanimously.

Committee Meeting:

2568 – Doug Devine / OSBEELS

Mr. Linscheid reported the Committee discussed that respondent Doug Devine of Epic Scan, Ltd., published a brochure wherein it appeared that he was offering professional land surveying or photogrammetric mapping services. Epic Scan offered to perform Laser Scanning Control using their Light Detection and Ranging (LiDAR) equipment and personnel, which was found to be a questionable practice of unlicensed professional practice. The Board utilized a professional reviewer to examine whether or not it was the offering of professional services. The reviewer found that the offering had been removed from the list of Epic Scan services and questioned whether the brochure in evidence postdated the Senate Bill (SB) 55 statutory changes to the definition of land surveying in ORS 672.005. Mr. Linscheid observed that the brochure was undated, but appeared to be published after the revised definitions of surveying in SB 55. He also reiterated that LiDAR as the tool is not the violation. It is the work product and the intended use of that product that might become the violation. In this instance, no evidence showed it use in a way to violate unlicensed practice. It was moved and seconded (Linscheid/Seward) to approve sending Mr. Devine a letter of concern regarding the offering of services that breach definitions of

professional land surveying or photogrammetric mapping services under ORS 672.005. The motion passed unanimously.

2582 – Clint Air / OSBEELS

Mr. Linscheid reported the Committee discussed that respondent Clint Air mailed his résumé along with a cover letter to several professional land surveying firms in Oregon. One of the recipients questioned if Mr. Air, a southern California resident, offered professional land surveying services by submitting his résumé, seven letters of recommendation, and a rate table for a one-man and two-man field crew. The Committee authorized issuing Mr. Air a Notice of Intent to Assess a \$1,000 Civil Penalty for the unlicensed practice of land surveying in violation of OAR 820-010-0720. Mr. Linscheid reported that when Air refused service the Committee discussed issuing a Default Final Order. However, the Committee recognized the resources necessary to provide legal service on a non-registrant in another state would overcome any potential benefit. As a result, the Committee recommended withdrawing the NOI. It was moved and seconded (Linscheid/Tappert) to approve withdrawing the NOI. The motion passed unanimously.

2586 – Ralph S. Thomas / OSBEELS

Mr. Linscheid reported the Committee discussed that respondent Ralph S. Thomas, PE (retired), used the title “PE” in an email to City of Wheeler residents regarding a City Council meeting. Mr. Thomas admitted using the “PE” title in a personal email, but was unaware he was in violation until contacted by the Board. Mr. Linscheid informed the Board that Mr. Thomas was confused about his license status because at one point he was exempt. When the exempt status was no longer available, his status was updated to retired and he was unaware of the change. It was moved and seconded (Linscheid/Doane) to approve issuing Mr. Thomas a letter of concern about the use of the PE title with “retired”. The motion passed unanimously.

2587 – Richard C. Skinner / OSBEELS

Mr. Linscheid reported the Committee discussed that respondent Richard Skinner, PLS, failed to place his seal and signature on a partition plat submitted to his client and that he offered “finder fees” for client referrals. Mr. Skinner shared office space and a computer server with an unlicensed person Robert Demers who accessed Mr. Skinner’s unsecured server to copy and use the plat. Mr. Linscheid stated that Mr. Skinner has changed his business practices and placed a firewall to protect his work. As a result, it was moved and seconded (Linscheid/Butts) to approve issuing Mr. Skinner a letter of concern regarding managing the professional relationship between them so no further violations occur. The motion passed unanimously.

2613 – George B. Cathey / OSBEELS

Mr. Linscheid reported the Committee discussed that respondent George Cathey, PLS, prepared a Property Line Adjustment (PLA) in 2007, but failed to file a final map of survey with the Multnomah County Surveyor. Mr. Cathey prepared the PLA for approval by the planning department. He also submitted to the County Surveyor for review a map of survey to resolve the boundary, which indicated he set monuments. The PLA was approved for recording, but the final map of survey was not filed. Mr. Linscheid explained that Mr. Cathey showed set monuments on the PLA, but no monuments were found at the indicated locations. He explained that Mr. Cathey certified the map as a true representation of fact when, in fact, the shown monuments were not set. In addition, Mr. Cathey entered into a settlement agreement in December 2009 to resolve

violations stemming from law enforcement case #2499. The Committee believed the PLA violation also is a violation of the #2499 settlement agreement because Mr. Cathey agreed to not violate any Board statutes or rules in the future and that no violations would arise from his past actions. The Committee determined to issue Mr. Cathey a Notice of Intent to revoke his land surveying registration, assess a \$6,700 civil penalty, and decertify him as a Certified Water Right Examiner (CWRE) for violating ORS 672.200(4), OAR 820-010-0235, OAR 820-020-0025(1), and OAR 690-014-0080.

2642 – James A. Stevenson / OSBEELS

Mr. Linscheid reported the Committee discussed that respondent James A. Stevenson, PE, signed his renewal form certifying he had completed the required PDH units. Mr. Stevenson failed to respond on two occasions to participate in the CPD audit. When a third request was sent, Mr. Stevenson apologized for his delay and notified the Board that he has not recently practiced engineering in Oregon. Mr. Linscheid reported that Mr. Stevenson submitted his PDH documentation, but for time periods before and after the audit and not for the audit period. As a result, the Committee determined to issue Mr. Stevenson a Notice of Intent to suspend registration and to assess a \$4,000 civil penalty for violations of ORS 672.200(4), OAR 820-010-0635(1),(5), OAR 820-015-0026, OAR 820-020-0015(7),(8), and OAR 820-020-0025(1).

2643 –David H. Stitt / OSBEELS

Mr. Linscheid reported the Committee discussed that respondent David H. Stitt, PE, signed his renewal form certifying he completed the required PDH units. When Mr. Stitt failed to respond to the audit letter or to subsequent notices, his file was transferred to the Regulation Department for investigation. Mr. Stitt responded to investigators that he takes training, but does not keep records. The Committee determined to issue Mr. Stitt a Notice of Intent to suspend registration and to assess a \$4,000 civil penalty for violations of ORS 672.200(4), OAR 820-010-0635(1),(5), OAR 820-015-0026, OAR 820-020-0015(7),(8), and OAR 820-020-0025(1).

2644 – Michael G. Thalhamer / OSBEELS

Mr. Linscheid reported the Committee discussed that respondent Michael G. Thalhamer, PE, signed his renewal form certifying he completed the required PDH units. Mr. Thalhamer submitted a CPD Organizational Form listing his PDH units claimed for the audit period, but he provided no supporting documentation. After sending him a request for documentation, Mr. Thalhamer responded that he does not have the documentation and that many of his trainings were in-house sessions with no certificates issued. Mr. Linscheid stated that Mr. Thalhamer was able to reconstruct his CPD records, which resulted in the Committee recommended action to issue him a letter of concern because Mr. Thalhamer submitted the documentation, he cooperated throughout the audit and investigation, and he had not mislead staff. However, he added that the Committee drew a distinction between maintaining the records, which is required, and reconstructing the records like Mr. Thalhamer. President Davis inquired about the issue of reconstructing records as not compliant when the rule requires maintaining records.

AAG Tucker-Davis replied that the Committee had in the past determined registrants as “compliance met” if they were able to reconstruct records and submit qualified documentation. The Committee had changed the manner of resolving cases with the interpretation of reconstructed records. She suggested a new rule would clarify that reconstructing records is not equivalent to

maintaining records. Mr. Hoffine commented that Mr. Thalhamer had to work to gather his records and therefore had not maintained them. AAG Tucker-Davis suggested that whether the secretary misplaced the records, they were lost to a divorce, or flood damaged the records, that a rule be written that clarifies if a registrant has to reconstruct the records they had not maintained them. After further discussion about the rule requiring “maintaining” records, which is a different action than reconstructing, it was moved and seconded (Linscheid/Kramer) to approve issuing Mr. Thalhamer a letter of concern regarding maintaining CPD records. The motion passed unanimously.

2625 – Dennis S. Nelson / OSBEELS

Mr. Linscheid reported the Committee discussed that respondent Dennis Nelson, PE, signed his renewal form certifying that he completed the required PDH units. When Mr. Nelson failed to respond to audit requests, his file was transferred to the Regulation Department for investigation. In response to an investigator, Mr. Nelson apologized stating he relocated his office and laid-off his secretary. His mail was lost in the shuffle. Regardless, Mr. Nelson submitted his CPD Organizational Form with supporting documentation for 33 PDH units.

While a violation regarding address change stems from the CPD investigation, Mr. Linscheid pointed to another matter the investigation revealed. The West Virginia (WV) Board of Registration for Professional Engineers issued Mr. Nelson a disciplinary fine for his work on a single-family residence and required him to take an ethics course. The Wisconsin Board took subsequent action against Mr. Nelson by assessing him a disciplinary fine and by requiring an ethics course for failing to notify them of the WV action. The Committee reviewed a preliminary evaluation and determined to not open a law enforcement case. However, it was discovered during the CPD investigation that the Wisconsin Board took additional action against Nelson in September 2009 because he failed to complete the required ethics course. Mr. Nelson failed to notify OSBEELS of the additional Wisconsin Board action. Mr. Linscheid informed the Board that the Committee determined to issue Mr. Nelson a Notice of Intent (NOI) to suspend registration for 90-days for failing to notify OSBEELS of another licensing agency’s disciplinary action or sanction, in violation of OAR 820-020-0045(4) and ORS 672.200(2).

The NOI also will assess a \$2,000 civil penalty for CPD violations of OAR 820-010-0605(1), OAR 820-010-0635(5), OAR 820-020-0015(7),(8), and ORS 672.200(4).

New Business:

Preliminary Evaluation: Abolhassani reprimand

Mr. Linscheid reported the Committee discussed that Ali Abolhassani, PE, notified OSBEELS that he was disciplined by the Florida Board of Professional Engineers (FL Board). Mr. Abolhassani designed a non-exempt commercial structure addition in West Palm Beach, FL. He was charged with having submitted engineering documents without a Certificate of Authorization (COA). In addition, Abolhassani failed to include his name, address, and license number in the title block of each design sheet. Mr. Abolhassani received an equivalent Default Final Order because he failed to respond to the Notice within 21-days. However, Mr. Abolhassani appeared before the FL Board and paid \$6,000 in civil penalties and was reinstated. Mr. Linscheid emphasized that OSBEELS does not require a COA and his failure to include his name, address, and license number on each

sheet of his design documents does not have an equivalent violation in ORS 672 or in OAR 820. As a result, the Committee determined to not open a case.

Preliminary Evaluation: Hayman complaint

Mr. Linscheid reported the Committee discussed that Paul W. Hayman, PE, alleged that Ed (Edsel) Harrison, PE, may be offering engineering services in Oregon without a valid COA. OSBEELS does not require a COA. Mr. Linscheid reported that Mr. Harrison is an Oregon registrant and can offer engineering services in Oregon. As a result, the Committee determined to not open case.

Preliminary Evaluation: OBAE complaint

Mr. Linscheid reported the Committee discussed that the Oregon Board of Architect Examiners (OBAE) investigated allegations regarding Richard Eisenhauer, RAE Design & Associates. The OBAE closed its case against Mr. Eisenhauer finding no violations for unlicensed practice of architecture. However, the OBAE alleged that Donald P. Sherman, PE, had contracted with Mr. Eisenhauer and had not met with the client to perform structural and life safety reviews. The OBAE also alleged Mr. Sherman stamped architectural drawings. Mr. Linscheid stated that Mr. Sherman claimed supervision and control of the project and the contractual OBAE allegations fell outside the Board's jurisdiction. As a result, the Committee determined to not open a case.

Preliminary Evaluation: Steele complaint

Mr. Linscheid reported the Committee discussed that Matthew Steele, PE, CWRE, expressed concern about the work of Dale La Forest with Design, Planning & Environmental Consulting, Mt. Shasta, CA. Mr. La Forest prepared an analysis entitled Noise Impacts of Biomass Power Plant in which Mr. Steele claimed Mr. La Forest engaged in the unlicensed practice of engineering. Mr. La Forest reported noise measurements from the area surrounding the proposed facility and compared them to the relevant regulatory requirements and the potential noise emissions that would come from the plant. Mr. Linscheid admitted that no one on the Board has an acoustical engineering background. Therefore, the Committee determined to refer the La Forest reports to a professional reviewer to make a recommendation on the unlicensed practice allegation.

Preliminary Evaluation: Anonymous complaint

Mr. Linscheid reported the Committee discussed that a registrant has had convictions for driving under the influence in California and Oregon. However, there was no information provided by the anonymous complainant on when or where the events occurred, whether the events occurred during the course of professional practices, and the final disposition of the cases. Since no evidence could support violations, the Committee determined to not open a case.

Prahar memorandum regarding complaints #2585 / #2624

Mr. Linscheid reported the Committee discussed that respondent John Prahar, PLS, passed away on September 27, 2010. Mr. Prahar was the respondent in two cases #2585 and #2624. It was moved and seconded (Linscheid/Tappert) to close cases #2585 and #2624 as respondent deceased. The motion passed unanimously.

LEC discussion of collection options: DOR-vs-Private Collection agency (ORS 183.745); Property Liens (ORS 205.126)

Mr. Linscheid reported the Committee met with representatives from the DOR to discuss their collection efforts. In addition, he noted AAG Tucker-Davis suggested during the discussion that the Board consider a written policy regarding how to handle the write-off of civil penalties. A policy would guide staff on processing collections and allow auditors to track money. A Cases Subject to Collections listing to show those cases that have been referred to DOR for collections. However, several accounts have grown stale. Mr. Linscheid concluded that Ms. Newstetter volunteered to take the matter to the Finance Committee for further discussion and action.

Unfinished Business:

Case #2572-Topaz: ALJ Proposed Order (ORS 192.690) & AAG Tucker-Davis Email Topaz:

President Davis then took the Board into Executive Session as provided by Oregon Revised Statute (ORS) 192.660(2)(f) to consider information or records that are exempt by law from inspection.

Upon returning to open session, it was noted that no action was taken during Executive Session.

Thereafter, the Board left public meeting under the authority of ORS 192.690 to deliberate on the law enforcement case #2572. No decisions were made during the deliberation.

Upon reconvening in public session, it was moved and seconded (Seward/Hoffine) to not accept the proposed order by the Administrative Law Judge (ALJ). The motion passed unanimously. It was moved and seconded (Tappert/Linscheid) was made to submit an Amended Proposed Order as drafted by AAG Tucker-Davis with the sanction mitigated to \$350. The motion passed unanimously. In addition, the Board delegated to Board President Davis the authority to review and approve the final version of the Amended Proposed Order.

Case #2630-Watson: Kalb Reports

Mr. Linscheid reported the Committee discussed that the case is a continuation of conflicts that began about ten years ago. He stated the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) both declined to participate in the investigation partly because no federal lands were involved. In addition, he informed the Board that professional reviewer Evelyn Kalb, PLS, JD, prepared a report that the Committee reviewed. However, the Committee requested clarifications from Ms. Kalb in the form of four questions. Mr. Linscheid also recognized that Board member Sue Newstetter, PLS, attended the Committee meeting and offered valuable insights as a citizen and as a professional working in the area. He appreciated her input.

He added that the Committee is looking at a potential conflict of interest in one survey and at professional judgment in Mr. Watson's acceptance or rejection of corner monumentation. Ms. Newstetter commented that she is assisting the Committee and Ms. Kalb in gathering relevant deed information from the Grant County Courthouse regarding certain surveys of Mr. Watson. Board Investigator Wilkinson informed the Board that the four questions the Committee generated had been communicated to Ms. Kalb and he expected her response prior to the April Committee meeting. Mr. Linscheid concluded that the investigation continues.

Case #2653-Watson: Revised Case Summary

Mr. Linscheid reported the Committee discussed that this case involved a right of entry violation that might have occurred about ten years ago. The complainant was unsure about the date of entry. Mr. Linscheid commented that the Committee had authorized issuing a Notice of Intent, but staffs found additional information to reveal the questionable timeline. As a result, it was moved and seconded (Linscheid/Wahab) made to issue Mr. Watson a letter of concern regarding right of entry notice. The motion passed unanimously.

Settlement Agreements:

Mr. Linscheid reported the Committee reviewed the Cases Subject to Monitoring list and that the ten people on the list are making regular payments. He offered no comments on the Cases Subject to Collections list. Lastly, he noted that the Case Status Report shows 80 active cases and the CPD cases are at the forefront. He added his belief that the rule change should make it easier for registrants to comply with the requirements.

PROFESSIONAL PRACTICES COMMITTEE

Ms. Newstetter reported that the PPC met on February 10, 2011, to discuss the matters contained in the Committee minutes. There was no further discussion.

RULES AND REGULATIONS COMMITTEE

Mr. Seward reported that the R&R Committee met on February 10, 2011, to discuss the matters contained in the Committee minutes. There was no further discussion.

UNFINISHED BUSINESS

Board Member Search Committee

Mr. Wahab reported that the Board Member Search Committee met on February 10, 2011 to discuss the vacancies on the Board as contained in the minutes. There was no further discussion. President Davis stated that it is not necessary for the Committee to meet in April.

HB3016

The Committee discussed the status of HB3016 and recalled the concerns previously discussed with Mr. Mike Foster of George Fox University. It was noted that the Board agrees with the concept but more work is needed on the mechanics of the process. Mr. Foster joined the discussion by phone and as a result of the conversation an understanding was reached. The Board committed to Mr. Foster that the RRC will develop draft language allowing a senior status student entrance to the fundamentals of engineering and the fundamentals of land surveying examinations for consideration by the Oregon State Legislature during the next session. The draft language will be publicized to encourage additional input from the other Oregon educational institutions, such as Oregon State University, Portland State University, University of Portland, Oregon Institute of Technology, and other interested parties. Additionally, the Board informed Mr. Foster that draft language will also consider the upcoming changes to the examination format since the first computer-based testing examination will likely be released in mid-2013. Staff was directed to draft a letter to Mr. Foster summarizing the discussion.

Housekeeping

Mr. Seward briefly commented that as a result of the discussion held during the January Board

meeting, it was determined that the evaluation of the Executive Secretary would be held in July. However, in reviewing the documents related to the process of the position description, he noted that the dates were not harmonized. Ms. Lopez will revise the document accordingly.

NEW BUSINESS

PLSS

Ms. Newstetter informed the members that there is a national concern with the knowledge of the public land survey system (PLSS). She also stated that she has been working with the Oregon Institute of Technology (OIT) Geomatic Advisory Group to address the concern through the curriculum. Since Mr. Neathamer was in attendance, she took the opportunity to inquire if an examinee fails the PLSS portion of the Oregon Specific Land Surveying examination, can they still pass the examination. Mr. Neathamer responded that an examinee may receive a passing score if the other portions of the examination are performed exceptionally well. He further informed the members that the 5 portions of the Oregon Specific Land Surveying examination are weighted equally and exhibited on the syllabus contained on the OSBEELS Web site. Although there was no solution to the matter, Ms. Newstetter noted that holding discussions is beneficial.

Nominating Committee

As President Davis nears the end of his term, he requested members to serve on the Nominating Committee to facilitate the process of determining the next Board President and Vice President. The Committee will be comprised of Jim Doane as the Chair, John Seward, Amin Wahab, and President Davis. The Nominating Committee will meet in April.

ADJOURN

The meeting was adjourned at 2:15 p.m.

NEXT MEETINGS

Next Board Meeting:

May 10, 2011

Next Committee Meetings:

LAW ENFORCEMENT:

Thursday, April 14th at 8:00 a.m.

Standards of Land Surveying Practices:

Thursday, April 14th at 12:00 p.m.

RULES & REGULATIONS:

Friday, April 15th at 8:00 a.m.

EXAMINATIONS & QUALIFICATIONS:

Friday, April 15th at 9:00 a.m.

EXTERNAL RELATIONS:

Friday, April 15th at 11:00 a.m.

FINANCE:

Friday, April 15th at 11:30 a.m.

Nominating Committee:

Friday, April 15th at 12:00 p.m.

PROFESSIONAL PRACTICES:

Friday, April 15th at 1:00 p.m.