



Oregon

State Board of Examiners for
Engineering & Land Surveying
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Minutes of Meeting
November 9, 2010

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
Mari Kramer
Dan Linscheid
Carl Tappert
Sue Newstetter
John Seward
Amin Wahab
Ken Hoffine (excused absence)

Visitors Present:

Mike Hardy, PE, Professional Engineers of Oregon Liaison
Mark Mayer, PLS, Professional Land Surveyors of Oregon Liaison
Wesley Hill, Attorney, Martinis & Hill Attorneys at Law

Others Present:

Mari Lopez, OSBEELS Executive Secretary
Jenn Gilbert, OSBEELS Executive Assistant
Allen McCartt, OSBEELS Investigator
JR Wilkinson, OSBEELS Investigator
Joanna Tucker-Davis, Assistant Attorney General
Bob Neathamer, PLS, OSBEELS Emeritus Member

APPROVAL OF AGENDA

Mr. Seward requested to add, Agenda Item 12. Unfinished Business, the response to Marv Pyles and President Davis requested to add, under Agenda Item 13. New Business, a status report on the Executive Secretary Evaluation. 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 (Linscheid/Tappert) to approve the minutes of the September 14, 2010 Board Meeting. The motion passed unanimously.

PUBLIC INPUT

Attorney Wesley Hill stated he was in attendance as representing Mr. Richard Montgomery in OSBEELS Law Enforcement case #2465. Although he did not see a reference to the case on the Board agenda, he inquired if the Board was going to be discussing the case. Ms. Newstetter and AAG Tucker-Davis replied that language will be suggested for the final order and it is anticipated to be discussed during the December meeting with the Law Enforcement Committee with final approval considered during the January 2011 Board meeting. There was no further discussion.

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 Oregon Specific Examination Task Force each met during the interim. The Committee minutes were included in the packets.

Administrative Activities

October 2010 Oregon Specific Examinations/NCEES

Ms. Lopez reported that the National Council of Examiners for Engineering and Surveying (NCEES) professional and fundamental examinations took place at the Oregon State Fairgrounds in Salem on October 29-30, 2010. OSBEELS did not participate in observing the NCEES administration. However, she noted that Matt and Amanda staffed the Oregon Specific Land Surveying and the Washington Structural III examinations at the Chemeketa Community College Winema Place. Matt and Amanda also staffed the Acoustical and California Geotechnical examinations at the University of Phoenix and the OSBEELS office on October 29, 2010.

The numbers of "No Shows" for the NCEES administered exams have not been reported, but Ms. Lopez informed the member of the "No Shows" for the Oregon Specific administered exams as follows: 0-Acoustical; 0-Geotechnical; 4-Oregon Specific Land Surveying; and 2- Washington Structural III. There was no further discussion.

Registration

Ms. Lopez briefly noted that annual renewal activity for December is underway. Staff mailed 3,882 courtesy reminders in the month of October. There was no further discussion.

NCEES 89th Annual Meeting

Ms. Lopez provided the draft minutes of the August 2010 Western Zone Meeting (held during the NCEES 89th Annual Meeting) with her report. There were no questions or additional discussion.

Examination Agreements

CSBSR (Photogrammetric Mapping) – Ms. Lopez reported that she has not received any additional information from Doyle Allen, contact for the Colonial States Board of Surveyor Registration. After discussing the various delays with communication, President Davis directed staff to draft a letter for his signature to the Chair and Vice-Chair of CSBSR encouraging communication to finalize the agreement. The Board was in consensus with this directive. However, Mr. Linscheid voiced a recommendation to explore other options when available. There was no further discussion.

OSBEELS Legislative Concept 640

Ms. Lopez reported that the final draft of OSBEELS legislative concept (LC) 640 was received from Legislative Counsel. LC 640 contains housekeeping revisions related to the inclusion of the practice of photogrammetric mapping as a result of the 2005 Senate Bill (SB) 55. LC 640 revises the Oregon Revised Statute (ORS) 672.240; proposed language reduces the required number of professional engineers and adds a member registered as a photogrammetrist. However, if a qualified photogrammetrist is not available, the Governor may appoint a professional engineer or professional land surveyor to the Board. There was no further discussion.

Legislative Fiscal Office

Ms. Lopez stated that she and Ms. Gilbert met with Kim To and John Terpening, Legislative Analysts from the Legislative Fiscal Office in October. Ms. To and Mr. Terpening met with the eleven semi-independent Boards to collect additional background information and to discuss the requirements of the report that is submitted every other year pursuant to ORS 182.472. Additional information was also submitted following the meeting to assist in the analysis and interpretation of the Board's performance by the Legislative Fiscal Office.

Semi-independent Board Administrators (SIBA) Meeting

Ms. Lopez briefly noted that the Appraiser Certification & Licensure Board is scheduled to host the next SIBA meeting on Tuesday, November 16, 2010. At this time, the agenda items for discussion are:

- Government Relations with guest Stephen Kafoury;
- Financial Reviews - Audits Vs. Reviews and GAAP Knowledge with guest David Schwindt, CPA Schwindt & Co.; and
- Legislative Fiscal Office (LFO) review and draft report with guests Kim To and John Terpening, Legislative Fiscal Office.

Board Vacancies

A discussion ensued regarding the engineer position vacated by George Gross. President Davis requested staff to provide the information again related to the registrants that reside in Congressional District 3. He established an interim Committee; Board Member Search. The members of the Committee include; Mr. Davis, Mr. Doane, Mr. Linscheid, and Mr. Wahab as Chair. With this information, the Committee will meet in December to discuss the recruitment.

Staffing

Ms. Lopez reported that the announcements for the Investigator 2 and the Administrative Specialist 1 positions will be posted on iMatchSkills with the Oregon Department of Employment, as well as on the OSBEELS Web site.

Board Packet Information

A discussion was held regarding the dissemination of information for the Board and committee meetings. Flash drives, and the security of placing information on the flash drives were taken into consideration. As a result of the discussion, it was determined that encrypted flash drives will be purchased and provided for members who prefer to receive information by this method. Further, each encrypted flash drive will be left at the Board office after each meeting for re-use. Effective January 2011, the following members preferred to receive information via encrypted flash drives

are; Davis, Butts, Doane, Linscheid, Newstetter, Tappert, and AAG Tucker-Davis. Members who prefer to continue receiving paper information packets are; Kramer and Seward. At this time, Mr. Wahab stated that he would prefer both methods. Staff will contact Mr. Hoffine for his preference. Furthermore, regardless of method, information will be sent so that the information arrives no later than the Wednesday of the week prior to the scheduled meeting.

PRESIDENT'S REPORT

President Davis requested each committee to review its Mission, Functions, and Goals during the December meetings. He further recommended that these documents are reviewed semi-annually by each committee and then the Board.

He also noted in his report that upon his appointment to the Board, he received a "Membership Handbook for Boards and Commissions." He provided copies of the self-assessment checklist from the Handbook, along with a summary of the pertinent laws, useful in carrying out a regular review of the Board's functions. Therefore, each Board member was directed to review the self-assessment for discussion during the January Board meeting.

EXAMINATIONS AND QUALIFICATIONS COMMITTEE

Mr. Butts reported that the E&Q Committee met on October 15, 2010 to discuss the matters contained in the Committee minutes. It was noted that Mr. Butts abstained from the discussion held during the October meeting related to Mr. Beverly. There was no further discussion.

Registration

Comity Applications – Mr. Butts directed the members' attention to the list of 70 professional engineer and land surveying applicants for registration by comity. It was moved and seconded (Butts/Linscheid) to approve the list of 70 professional engineer and land surveying applicants as presented. The motion passed unanimously.

1st Registration Applications – Mr. Butts directed the members' attention to the 9 applicants seeking 1st registration. It was moved and seconded (Butts/Linscheid) to approve the 9 applicants as presented. The motion passed unanimously.

Prior Practice Applications – Mr. Butts directed the members' attention to the final applicant seeking Geotechnical registration by prior practice. It was moved and seconded (Butts/Linscheid) to approve the applicant as presented. The motion passed unanimously.

Oregon Specific Examination Task Force

Mr. Tappert reported that the Oregon Specific Examination Task Force met on October 15, 2010, to discuss the matters as contained in the minutes. Additional discussion was held by the Board regarding the following matters:

Oregon State Specific Examination Policy

After a brief discussion, language in Section 4; Test Development, was revised to clarify that the exam syllabus would be provided for review during the Board's regularly scheduled January meetings. It was moved and seconded (Tappert/Butts) to approve and adopt the Oregon State Specific Examination Policy as revised. The motion passed unanimously.

Non-Disclosure Agreement (NDA)

After a brief discussion, it was moved and seconded (Tappert/Linscheid) to approve and adopt the Non-Disclosure Agreement (NDA) as presented. The motion passed unanimously.

Oregon Specific Examination Syllabi

Since the Oregon State Specific Examination Policy was revised to review the Oregon Specific Examination syllabi during the January Board meetings, it was determined to review the syllabi in January. Ms. Lopez requested clarification on if the syllabi should be presented during the December E&Q Committee meeting or be presented during the January Board meeting. It was determined to be sent straight to the Board for review.

Accomplishing the tasks related to the consistency of the Oregon Specific Examinations, the Task Force was then disbanded.

October 2010 Oregon Specific Land Surveying Examination Report

Mr. Neathamer provided a report on the October 2010 administration of the Oregon Specific Land Surveying Examination. Of the 31 applicants approved to sit for the examination, 27 elected to attend. He reported that the pass rate was 52% and that of those examinees that failed the examination, 4 examinees obtained a score eligible for review pursuant to OAR 820-010-0470. Additionally, loose papers were confiscated from 4 examinees, but returned after inspection and the completion of the examination administration. There was no further discussion.

Consider Final Order – Alan Bean

A draft copy of the final order received from the Office of Administrative Hearings was provided in the Board packets. **President Davis then took the Board into Executive Session as provided by ORS 192.690 to consider a final order in a contested case.**

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

After discussion, it was moved and seconded (Doane/Kramer) to approve the Final Order and request President Davis' signature. The motion passed unanimously. There was no further discussion.

EXTERNAL RELATIONS COMMITTEE

Ms. Kramer reported that the ERC met on October 15, 2010, to discuss the matters as contained in the Committee minutes. Additional discussion was held by the Board regarding the following matters:

Promoting Registration

Mike Hardy briefly noted that he will provide information to staff from the National Academy of Engineering that includes taglines for the Committee to consider. There was no further discussion.

FINANCE COMMITTEE

Mr. Tappert reported that the Finance Committee met on October 15, 2010, to discuss the matters

as contained in the Committee minutes. There was no further discussion.

Finance Reports

Members reviewed the Statement of Net Assets (Balance Sheet), Statement of Activities (Profit and Loss Statement), and Profit and Loss Budget Overview for the period of July 1, 2009 through September 30, 2010. 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 October 14, 2010, to discuss the following matters:

Informal Conferences

2620 – Peter Osredkar / OSBEELS

Mr. Linscheid reported the Committee met in a teleconference informal conference with respondent Peter Osredkar, PE, to discuss a Notice of Intent to Revoke Registration and Assess a \$1,000 Civil Penalty (NOI) for providing false or forged evidence to the Board in order to obtain a certificate of registration in violation of ORS 672.045(10). Mr. Osredkar was disbarred as a New York attorney in 2005 and as a Patent Attorney for falsifying a law school transcript, resumes, and letters of recommendation. Upon request from the Regulation Department, the New York courts provided documents showing the employers Mr. Osredkar reported on his 2000 New York Bar application conflicted with dates and locations he reported to the Board for his professional engineer application in December 2003.

The Committee and Mr. Osredkar reached settlement agreement wherein he would retire his registration in lieu of revocation and he could not reapply. In addition, the Committee abated the \$1,000 civil penalty. A motion to approve the settlement agreement with Mr. Osredkar was moved and seconded (Linscheid/Butts). The motion passed unanimously.

2608 – Libo Liu / OSBEELS

Mr. Linscheid reported the Committee met in a teleconference informal conference with respondent Libo Steven Liu, PE, to discuss a Notice of Intent to Assess a \$3,000 Civil Penalty for violating OAR 820-010-0635(1),(5), OAR 820-015-0026, OAR 820-020-0015(7), and OAR 820-020-0025(1). Mr. Liu failed to meet continuing professional development (CPD) requirements, submitted no documentation of professional development hour units (PDH), and was untruthful on his renewal form. Mr. Linscheid noted that Mr. Liu was a registrant of California and was confused about what is required for documentation, but provided it once he understood. The Committee found he was in compliance and that he had changed recordkeeping to keep accurate records. A motion to withdraw the NOI against Mr. Liu was moved and seconded (Linscheid/Tappert). The motion passed unanimously.

2607 – A. David Faller / OSBEELS

Mr. Linscheid reported the Committee met with respondent A. David Faller, PE, to discuss a Notice of Intent to Assess a \$3,000 Civil Penalty for violating OAR 820-010-0635(1), OAR 820-015-0026, OAR 820-020-0015(7), and OAR 820-020-0025(1). Mr. Faller failed to provide CPD documentation and requested retirement. Mr. Linscheid stated that Mr. Faller retired from engineering effective January 1, 2007, and had not done any professional work since. Mr. Faller

admitted to violating the CPD requirements, which he knew better, and could offer no excuses other than to say it was a difficult decision to retire from practice. The Committee accepted his retirement. A motion to withdraw the NOI against Mr. Faller and issue a letter of concern was moved and seconded (Linscheid/Tappert). The motion passed unanimously.

2581 – James Colton / Kent Ray Seida

Mr. Linscheid reported the Committee met with respondent James Colton, PLS, to discuss a Notice of Intent to Assess a \$1,000 Civil Penalty for violating ORS 672.047. Complainant Kent Seida alleged that a survey crew from OBEC Consulting Engineering (OBEC) violated right of entry and damaged vegetation while conducting a survey on his property. Mr. Colton was in responsible charge of the OBEC project. Mr. Linscheid observed that the Oregon Department of Transportation (ODOT) sent a letter to affected property owners within their project area. However, Mr. Seida did not receive a letter. While the Committee had questions about the ODOT sending the letter for right of entry, Mr. Colton admitted to be in responsible charge. The Committee and Mr. Colton reached a settlement agreement of a \$250 civil penalty for violation of right of entry. A motion to approve the settlement agreement with Mr. Colton was moved and seconded (Linscheid/Tappert). The motion passed unanimously.

2574 – Jonathan Smith / Edward Butts

Mr. Linscheid reported the Committee met with respondent Jonathan Smith, PE, to discuss a Notice of Intent to Revoke Registration and Assess a \$3,000 Civil Penalty for the use of another's engineering seal and the practice of engineering outside his area of competence in violation of ORS 672.200(2), OAR 820-020-0015(2), and OAR 820-020-0020(2). Mr. Linscheid recounted a lengthy exchange with Mr. Smith about his efforts to modify the designs for a pump station and retaining wall because of site conditions found during construction. Mr. Smith admitted to his blunder of using the Butts seal on a preliminary design. He also admitted to using the wrong lateral soil pressure. However, he felt the wall was sufficient to retain the 30 psi lateral pressure because of soil conditions and the more robust construction than was originally contemplated. He also explained a construction error placed sill bolt plates at 6' intervals and not at 6" intervals. Mr. Smith expected some disciplinary action, but not revocation because he believed at the time he was within his area of competency, but now thought differently.

Mr. Linscheid stated the Committee and Mr. Smith reached a settlement wherein he would not be revoked or suspended, but assessed a \$1,000 civil penalty for practicing outside his area of competency and a \$250 civil penalty for use of another's seal. A motion to approve the settlement agreement with Mr. Smith was moved and seconded (Linscheid/Tappert). With Mr. Butts abstaining, the motion passed unanimously.

2609 – Isaac Simkin / OSBEELS

Mr. Linscheid reported the Committee met with respondent Isaac Simkin, PE, to discuss a Notice of Intent to Assess a \$3,000 Civil Penalty for violating OAR 820-010-0635(1),(5), OAR 820-015-0026, OAR 820-020-0015(7), and OAR 820-020-0025(1). Mr. Simkin signed his renewal form certifying he had completed his CPD requirements, but failed to meet CPD requirements, submitted no PDH documentation, and was untruthful. During the informal conference, Mr. Simkin admitted to not knowing the CPD requirements. The Committee and Mr. Simkin entered into a settlement wherein Mr. Simkin would be assessed a \$1,000 civil penalty and the Committee

would remove the allegation of untruthfulness. A motion to approve the settlement agreement with Mr. Simkin was moved and seconded (Linscheid/Butts).

2606 – Martin Crouch / OSBEELS

Mr. Linscheid reported the Committee met with respondent Martin Crouch, PE, to discuss a Notice of Intent to Assess a \$1,000 Civil Penalty for violating OAR 820-010-0635(1),(5), OAR 820-015-0026, OAR 820-020-0015(7), and OAR 820-020-0025(1). Mr. Crouch signed his renewal form certifying he had completed his CPD requirements, but failed to provide CPD documentation and requested retirement. Later, he provided Board investigators with a CPD Organizational Form and documentation. Mr. Linscheid stated Mr. Crouch doubted whether or not the training he received applied to his electrical engineering registration. When the Committee met with Mr. Crouch and examined his submittals, they found that his trainings would apply and that he would need to assemble the documentation in order to comply. In addition, the Committee encouraged Mr. Crouch to keep his registration active because some of his activities that he described might require his registration in order to avoid unlicensed practice problems. As a result, the Committee determined to reschedule Mr. Crouch for a second informal conference in November.

Committee Meeting

2580 – Troy Fowler / OBAE

Mr. Linscheid reported the Committee discussed a complaint by Carol Moeller, OBAE Administrator, against Mr. Lim in case #2579. When a preliminary evaluation was prepared by OSBEELS, investigators found that Troy Fowler had engaged in the unlicensed practice of engineering and opened a new case. The Committee issued Mr. Fowler a Notice of Intent to Assess a \$1,000 Civil Penalty (NOI) for violating ORS 672.020(1) and ORS 672.045(1)(2). Mr. Linscheid informed the Board that Mr. Fowler received the NOI; however, he failed to respond despite contact with Board investigators. As a result, he also waived his right to a hearing. A motion to approve Default Final Order for Mr. Fowler was moved and seconded (Linscheid/Tappert). With Mr. Butts abstaining, the motion passed unanimously.

2612 – Steven G. Banton / Robert Mathias

Mr. Linscheid reported the Committee discussed a complaint submitted by Robert Mathias, City of Bend Building Official, against respondent Steven Banton, PE. Mr. Mathias expressed concerns about the engineering work of Mr. Banton. The Committee referred the matter for evaluation to professional reviewer Edward Tornberg, SE. The Committee met with Mr. Tornberg to discuss his report and findings. Also in attendance was Mr. Banton. Mr. Linscheid noted that Mr. Banton had been in communication with Mr. Wilkinson since the October meeting and he wanted an update from the Board.

Mr. Wilkinson explained that Mr. Tornberg prepared his report for Committee discussion in October, but Mr. Banton had not had the opportunity to review or rebut its findings. Mr. Banton called after the October Committee meeting to request a copy and a chance for rebuttal. For example, Mr. Tornberg found that some calculations were not provided to the City when Mr. Banton claimed they were. Upon conferring with management and AAG Tucker-Davis, it was agreed to allow him time to comment. In addition, his response will provide information that further allows a determination of whether or not Mr. Banton was negligent or incompetent in his design work. As a result, further investigation was needed to resolve the case.

2621 – Dennis Chase Berlien / OSBEELS

Mr. Linscheid reported the Committee discussed that respondent Dennis Berlien, PE, failed to respond to any CPD audit letters. When contacted by a Board investigator, Mr. Berlien explained he changed jobs and went through a divorce. However, Mr. Berlien failed to respond to a second letter sent to a correct address. The Committee determined to issue Mr. Berlien a Notice of Intent to Suspend Registration and Assess a Civil Penalty of \$5,000 for violations of ORS 672.200(4), OAR 820-010-0605, OAR 820-010-0635(1) and (5), OAR 820-015-0026(1), OAR 820-020-0015(7) and (8), and OAR 820-020-0025(1).

2622 – Ronald Thomas Wharton / OSBEELS

Mr. Linscheid reported the Committee discussed that respondent Ronald Wharton, PE, failed to respond to any CPD audit letters. When contacted by a Board investigator, Mr. Wharton explained that he was an out of jurisdiction resident who has been actively licensed in California since 1980. He closed his business office and merged it into his new home in Palm Springs. However, he failed to notify OSBEELS of an address change. The Committee determined to issue him a Notice of Intent to Assess a \$1,000 Civil Penalty for violation of OAR 820-010-0605.

2626 – Thomas P. Swart / Mark E. Riggins

Mr. Linscheid reported the Committee discussed that complainant Mark Riggins, PLS, Marion County Surveyor, alleged that respondent Thomas Swart engaged in the unlicensed practice of surveying when Mr. Swart sealed and signed a partition plat that was submitted for filing on May 10, 2010.

Prior to this event on March 9, 2010, Mr. Swart had agreed to a revocation of his professional land surveyor registration in order to settle law enforcement case #2494. In return, the Board agreed to suspend the \$16,500 civil penalty conditioned upon Swart complying with the terms of the settlement agreement, including that prior to his revocation he would transfer all pending work to another surveyor. Mr. Swart resigned from his employer, but had not completed or transferred the plat to another surveyor. The Committee determined to issue Mr. Swart a \$1,000 civil penalty for unlicensed practice in violation of ORS 672.007(2)(a),(c), ORS 672.025(1), and ORS 672.045(1),(2),(4) and seek the \$16,500 for failing to comply with the terms of the #2494 settlement agreement in violation of ORS 672.325.

2631 – Geffory N. Adair / OSBEELS

Mr. Linscheid reported the Committee discussed that respondent Geffory N. Adair, PLS, signed his renewal form certifying he had completed his CPD requirements. When audited, Mr. Adair submitted a CPD Organizational Form listing his PDH, but failed to provide supporting documentation. The Committee determined to issue Mr. Adair a Notice of Intent to Assess a \$3,000 Civil Penalty for violations of OAR 820-010-0635(1),(5), OAR 820-015-0026, OAR 820-020-0015(7), and OAR 820-020-0025(1).

2633 – Ross A. Fenton / OSBEELS

Mr. Linscheid reported the LEC discussed that respondent Ross A. Fenton, PE, was asked to participate in an audit and he submitted a list totaling 36.8 PDH units. However, he failed to provide supporting documentation or to respond to subsequent inquiries. After nearly seven

months, he stated he is an out of jurisdiction resident who has been actively licensed in Washington State since 1979. He apologized for his delay, but claimed it was due to his confusion about what qualified as documentation. When submitted, his documentation showed he had met the CPD requirements. The Committee determined to issue Mr. Fenton a Notice of Intent to Assess a \$1,000 Civil Penalty for violation of OAR 820-020-0015(8).

2637 – Patrick J. Lamb / OSBEELS

Mr. Linscheid reported the Committee discussed that respondent Patrick James Lamb, PE, signed his renewal form certifying he had completed his CPD requirements. When audited, Mr. Lamb submitted a CPD Organizational form listing his PDH units, but failed to provide supporting documentation. Mr. Lamb responded to a Board investigator that he had not received the earlier letters because he is living and working in Australia. Once the previous employer provided the records, the Committee learned that Mr. Lamb had complied with the CPD requirements, but had failed in his record keeping. The Committee determined to issue Mr. Lamb a Notice of Intent to Assess a \$1,000 Civil Penalty for violations of OAR 820-010-0635(5) and OAR 820-020-0015(7).

2646 – David F. Welker / OSBEELS

Mr. Linscheid reported the Committee discussed that respondent David F. Welker, PE, signed his renewal form certifying he had completed his CPD requirements. When audited, Welker failed to respond to any audit letters. Mr. Welker responded to a Board investigator that he is an out of jurisdiction resident who has been actively licensed in Washington State since 1980. When he was laid off, he and forty other employees were escorted off the property. He wanted to relinquish his registration. The Committee determined to issue Welker a Notice of Intent to Assess a \$2,000 Civil Penalty for violations of OAR 820-010-0635(1),(5), OAR 820-020-0015(7),(8), and OAR 820-020-0025.

New Business

LEC Discussion: Jack Watson investigation

Mr. Linscheid reported the Committee heard an update about the field investigation involving respondent Jack Watson, PLS. The Committee opened case #2630 against Mr. Watson due to questions about the evidence he used to reestablish three original General Land Office (GLO) corners. Mr. Linscheid informed the Board that representatives of the Bureau of Land Management (BLM) and U.S. Forest Service (USFS) were invited, but were unable to attend. Regardless, Mr. Wilkinson met with professional reviewer Evelyn Kalb, PLS, JD, in John Day, OR, and they were able to complete their review. Ms. Kalb will provide her report to the Committee for the December meeting. In addition, Mr. Linscheid noted that the BLM also has opened an investigation into another section where questions have arisen about Mr. Watson's surveying.

Unfinished Business:

Crowley 2539: Judgment Debtor Examination

Mr. Linscheid reported the Committee heard an update from AAG Tucker-Davis about Larry Crowley in law enforcement case #2539. He observed that Mr. Crowley owes \$9,000 in civil penalties, but has not made any effort to pay. Therefore, the matter has been forwarded to the appropriate department within the Attorney General's Office to conduct a debtor examination.

Settlement Agreements

Lastly, Mr. Linscheid reported the Committee reviewed Settlement Agreements, Cases Subject to Collections, and Cases Subject to Monitoring and offered no comments.

Case Status

Mr. Linscheid reported that with 77 active cases, over 33% of those cases are related to CPD audits.

Joint Compliance Committee Meeting Summary

President Davis introduced the minutes from the December 15, 2009, meeting of the Joint Compliance Committee (JCC) with the Oregon State Board of Geologist Examiners (OSBGE) and noted they were approved by the JCC members. Mr. Seward agreed by adding that the message was to improve communication between the two Boards through the JCC. He continued that the OSBGE members recognized the overlap of practices and that OSBEELS registrants also are authorized to practice in the overlap. President Davis emphasized that the meeting was positive in the communication of issues.

PROFESSIONAL PRACTICES COMMITTEE

Ms. Newstetter reported that the PPC met on October 15, 2010, to discuss the matters contained in the Committee minutes. Additionally, President Davis volunteered to draft a response to Mike Snyder at the Landscape Contractors Board regarding the Board's position on the design of ecoroofs. The concern of the Board lies with the structural capacity of the roof to safely support the new load from the as-installed and mature, ecoroof. Verification of load capacity is generally performed by a professional engineer.

Standards of Land Surveying Practices

Mr. Linscheid reported that the Standards of Land Surveying Committee met on October 14, 2010, 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 October 15, 2010, to discuss the matters contained in the Committee minutes. There was no further discussion.

NEW BUSINESS

President Davis updated the members on the process of the Executive Secretary's Evaluation. Due to personal matters, Mr. Hoffine is excused from the Committee. However, the process has been continued with the assistance of Mr. Seward. Comments received will be provided to Ms. Lopez for consideration and response. Subsequently, the formal evaluation document will be drafted for review by Ms. Lopez and further discussion during the January Board meeting. There was no further discussion.

ADJOURN

The meeting was adjourned at 12:04 p.m.

NEXT MEETINGS

Next Board Meeting:

January 11, 2011

Next Committee Meetings:

LAW ENFORCEMENT:

Thursday, December 9th at 8:00 a.m.

Standards of Land Surveying Practices:

Thursday, December 9th at 12:00 p.m.

RULES & REGULATIONS:

Friday, December 10th at 8:00 a.m.

EXAMINATIONS & QUALIFICATIONS:

Friday, December 10th at 9:00 a.m.

FINANCE:

Friday, December 10th at 10:00 a.m.

EXTERNAL RELATIONS:

Friday, December 10th at 11:00 a.m.

Board Member Search:

Friday, December 10th at 12:00 p.m.

PROFESSIONAL PRACTICES:

Friday, December 10th at 1:00 p.m.