



Oregon

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

CALL TO ORDER

President Linscheid 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:

Dan Linscheid
Steven Burger
James Doane
Ken Hoffine
Sue Newstetter
John Seward
Carl Tappert
Amin Wahab (excused absence)
Grant Davis

Visitors Present:

Gary Anderson, PLS and Chair of Professional Land Surveyors of Oregon (PLSO)

Others Present:

Mari Lopez, OSBEELS Executive Secretary
Jenn Gilbert, OSBEELS Executive Assistant (excused absence)
Allen McCartt, OSBEELS Investigator
JR Wilkinson, OSBEELS Investigator
Joanna Tucker-Davis, Assistant Attorney General

APPROVAL OF AGENDA

Ms. Newstetter requested to add one item to the agenda under Unfinished Business; Standards of Land Surveying Practice Committee. It was moved and seconded (Tappert/Davis) to approve the agenda. The motion passed unanimously.

APPROVAL OF MINUTES

Mr. Doane noted that he is not qualified to use the title of Dr. as shown on page 6 of the minutes; the prefix title should read Mr. It was moved and seconded (Tappert/Davis) to approve the minutes of the September 13, 2011 Board Meeting as amended. The motion passed unanimously.

PUBLIC INPUT

Gary Anderson, PLS with Westlake Consultants, Inc. and PLSO Chair informed the Board that PLSO's 2012 meeting will be a joint meeting with the American Society for Photogrammetry and Remote Sensing (ASPRS) and the Urban and Regional Information Systems Association (URISA) scheduled for March 13-16 at the Red Lion on the River – Jantzen Beach. Mr.

Anderson also welcomed the Board to participate in the meeting by speaking towards licensing, professional practice, and law enforcement. PLSO has also updated its Web site which will give everyone the opportunity to register for a new membership and renew a membership online. Mr. Anderson also provided the Board with a letter containing feedback on behalf of the PLSO Chapter meetings (statewide) regarding the Standards of Land Surveying Practices Committee's draft rule about narratives. After a brief discussion, the Board determined to refer the communication to the Standards of Land Surveying Practices Committee for further consideration.

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), and Rules and Regulations (R&R) Committee each met during the interim. The Committee minutes were included in the packets. Ms. Lopez noted that a quorum wasn't reached in order to have the Standards of Land Surveying Practices Committee meeting.

Administrative Activities –

October 2011 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 28-29, 2011. President Linscheid participated by observing the NCEES administration. She also noted that Matt, Amanda, and Jennifer O'Neill staffed the Oregon Specific Land Surveying examination at the University of Phoenix. Staff also supervised the Acoustical and Washington Structural III examinations at the OSBEELS office. 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; 6-Oregon Specific Land Surveying; and 0-Washington Structural III. There was no further discussion.

Registration

Ms. Lopez briefly noted that annual renewal activity for December is underway. Staff mailed approximately 4,200 courtesy reminders in the month of October. There was no further discussion.

Joint Compliance Committee (JCC) Meeting

Ms. Lopez reported that a JCC meeting was scheduled for September 22nd, at the OSBEELS office. However, a quorum wasn't reached in order to proceed with a meeting. Ms. Lopez informed the members that the Oregon Board of Geologists Examiners (OSBGE) have tentatively set aside November 14th, 16th, and 30th for a potential meeting. She will coordinate the dates and times with President Linscheid, Mr. Seward, and Mr. Davis after the OSBEELS Board meeting.

Oregon Building Officials Association (OBOA)

Ms. Lopez briefly noted that Mr. Davis, JR Wilkinson, OSBEELS Investigator, and Allen McCartt, OSBEELS Investigator are scheduled to represent the Board on November 16th in Wilsonville at the Holiday Inn to speak in cooperation with representatives from the Architect Board to Building Officials about the Reference Manual and the Law Enforcement process.

American Society of Civil Engineers (ASCE) – SWWA Branch

She also reported that JR is scheduled to represent the Board on November 17th in Washington to update the association on continuing professional development requirements and the law enforcement process.

Associate and Emeritus Status

Ms. Lopez included an NCEES memorandum regarding the appointment of Associate and Emeritus Members along with a list of the current members for the Board's consideration. She indicated the deadline for submitting updates is January 6, 2012. The Board directed Staff to contact Sue Laszlo and Bob Neathamer to inquire of their interest to remain as OSBEELS Emeritus Members on the NCEES list. It was moved and seconded (Davis/Tappert) that the appointments as Emeritus Members will remain in effect until Ms. Laszlo or Mr. Neathamer advise the Board otherwise. The motion passed unanimously.

2009-2010 Biennial Audit

Ms. Lopez met with Scott Simpson, CPA and Michelle Gall, CPA with Moss Adams and V. Dale Bond, CPA, CISA, CFE, Audit Manager with the Secretary of State Audits Division on October 26th in preparation for the Board's audit for the biennium ended June 30th. She presented the Board with the 2011 Audit Plan.

Board Vacancies

Ms. Lopez noted that the Governor's Office has yet to fill an engineering and public member position.

Staffing

OSBEELS has received 4 applications for the full-time Compliance Specialist position since May 11, 2011. Ms. Lopez reported that Ms. Gilbert is currently on medical leave and is expected to return to work on November 21st. In the meantime, Board members should contact Ms. Lopez directly for various requests. Ms. Lopez also reported that Amanda, OSBEELS Registration Specialist is expecting. There was no further discussion.

PRESIDENT'S REPORT

President Linscheid briefly reported on his attendance at the NCEES examination administration. There was no further discussion.

EXAMINATIONS AND QUALIFICATIONS COMMITTEE

Mr. Davis reported that the Examinations and Qualifications Committee (EQC) met on October 14, 2011 to discuss the matters contained in the Committee minutes. Additional discussion was held regarding the following matters:

Registration

Comity Applications – Mr. Davis directed the members' attention to the list of 100 professional applicants for registration by comity. It was moved and seconded (Davis/Newstetter) to approve the list of 100 professional applicants as presented. The motion passed unanimously.

1st Registration Applications – Mr. Davis directed the members’ attention to the 7 applicants seeking 1st registration. It was moved and seconded (Davis/Newstetter) to approve the 7 applicants as presented. The motion passed unanimously.

October 2011 Oregon Specific Land Surveying Examination Report – The Board received a written report on the October 2011 administration of the Oregon Specific Land Surveying examination by Mr. Neathamer. Of the 25 applicants approved to sit for the examination, 19 elected to attend. He reported that the pass rate was 47% and that of those examinees that failed the examination, 4 examinees obtained a score eligible for review pursuant to Oregon Administrative Rule (OAR) 820-010-0470. It was moved and seconded (Davis/Newstetter) to accept the report as presented. The motion passed unanimously. Staff will immediately notify successful comity examinees and those examinees that have already taken and received notice of passing the NCEES examination previously.

EXTERNAL RELATIONS COMMITTEE

In the absence of Mr. Wahab, Ms. Newstetter reported that the External Relations Committee (ERC) met on October 14, 2011, to discuss the matters as contained in the Committee minutes. Additional discussion was held regarding the following matters:

Symposium

The Board agreed that a financial analysis of the symposium would be necessary to determine the frequency of the event. As a result, the Finance Committee will review the analysis for a recommendation to the Board.

Social Computing Policy and Guidelines

President Linscheid took the Board into Executive Session as provided by Oregon Revised Statute (ORS) 192.660(2)(f) to discuss the advice provided by AAG Tucker-Davis. Upon returning to open session, it was noted that no action was taken during Executive Session.

The Board discussed the advantages and disadvantages to creating pages and posting on social media and/or social networking Web sites. The Board opined that social networking Web sites offer substantial opportunities to communicate to the public. However, as with other interactive use of the Internet, posting information on social media and social networking is not without risks. As a result, the ERC will continue the discussion during the next meeting in December.

FINANCE COMMITTEE

On behalf of Mr. Doane, Mr. Tappert reported that the Finance Committee (FC) met on October 14, 2011, to discuss the matters as contained in the Committee minutes. Additional discussion was held regarding the following matters:

Finance Reports

Members reviewed the Statement of Net Assets as of September 30, 2011. There was no further discussion.

LAW ENFORCEMENT COMMITTEE

Mr. Tappert reported that the Law Enforcement Committee (LEC) met on October 13, 2011, to discuss the following matters:

Informal Conferences

Mr. Tappert reported that no informal conferences were scheduled for the Committee meeting.

Committee Meeting:

2594 – Bradley J. Gabriel / Sharon Hart

Mr. Tappert reported the Committee discussed that respondent Bradley Gabriel, PLS and former Director of Surveying Services for SFA Design Group, LLC, had failed to give proper notice when a SFA field crew entered upon and set monuments on the Sharon Hart property while conducting a survey for the adjoining Cutler property. The investigation found that Mr. Gabriel sealed, signed, and submitted a Property Line Adjustment (PLA) to the Clackamas County Surveyor for filing on behalf of the Cutler property. However, Mr. Gabriel was unable to submit evidence demonstrating that notice of entry was provided. In addition, the investigation revealed that Mr. Gabriel had not updated his contact information as required by OAR 820-010-0605.

The Committee recommended that staff issue Mr. Gabriel a Notice of Intent to Assess a \$1,000 Civil Penalty. After it was issued on September 6, 2011, he failed to respond so the Committee recommended the Board issue Mr. Gabriel a Final Order by Default for violation of ORS 672.047 and OAR 820-010-0605(1). It was moved and seconded (Tappert/Davis) to approve a Final Order by Default. The motion passed unanimously.

2596 – Craig B. Anderson / Susan Newstetter

Mr. Tappert reported the Committee discussed that Craig B. Anderson, PE, Murray, Smith & Associates engaged in the unlicensed practice of engineering when he co-signed an engineering proposal with the respondent of case #2595, using the title “PE” before he was licensed in the state of Oregon. Prior to any discussion, however, Committee member Susan Newstetter, PLS, was the complainant in case #2595 and #2596 and announced that she would recuse herself in both cases. The Committee determined to issue Mr. Anderson a Notice of Intent to Assess a \$1,000 Civil Penalty for violation of ORS 672.007(1)(a), ORS 672.020(1), and ORS 672.05(10 and (2)).

2595 – Morton McMillen / Susan Newstetter

Mr. Tappert reported the Committee discussed that respondent, Morton McMillen, PE, McMillen & Associates, submitted an engineering proposal that identified persons as registrants when they were not, including Mr. Anderson. Mr. Tappert commented that Mr. McMillen stated the Board needed to educate the industry regarding protected titles because he used generally understood industry terms to identify personnel. In addition, Mr. McMillen had been informed, but had not verified that Mr. Anderson’s PE application was in process. Lastly, Mr. McMillen admitted there was a typographic error when Mara McMillen, President of McMillen & Associates, was identified as a PE when she was not.

Mr. Tappert noted that Mr. McMillen claimed he has implemented changes to their practice to prevent any future violation regarding the use of protected titles for unlicensed personnel. He

also noted that the Committee's goal is to get compliance and increase education. In light of these factors, it was moved and seconded (Tappert/Seward) to approve issuing Mr. McMillen a letter of concern regarding the use of the term engineer, which protects the title for all Oregon registered engineers. The motion passed unanimously.

2605 – Daniel W. Baker / Ilah Pilaczynski

Mr. Tappert reported that the Committee discussed a complaint that respondent Daniel Baker, PLS, was allegedly negligent or incompetent in the practice of land surveying. The allegations were that Mr. Baker prepared a map of survey for a large property that abuts ten smaller, lot properties. Mr. Baker also displayed an existing fence depicted as the property line between the abutting properties. During the course of the survey, a deed gap was found between the large property and the abutting lots. The owner of the large lot filed a quiet title by adverse possession claim and wrote the neighbors with an attached copy of the Baker survey that showed the fence line as the back deed line. As a result, the property owners did not dispute the quiet title claim and a General Judgment awarded the deed gap to the large property owner. When Mr. Baker subsequently staked the property line it was discovered the fence was not on the property line, but was in a diagonal manner across the deed gap. Mr. Pilaczynski filed the complaint because of the misrepresentation of the fence line.

Mr. Tappert noted that the question was to determine if Mr. Baker was negligent in not tying the fence during his first survey so that the neighbors were informed of its actual location relative to their deeded property lines. Because there were lingering questions about such a decision, the Committee determined to refer the case to a Professional Reviewer for evaluation.

2614 – Daniel W. Baker / D. Michael Jackson

Mr. Tappert reported the Committee discussed complainant D. Michael Jackson, PLS and Lane County Surveyor, allegations against Daniel W. Baker, PLS, for failing to file maps of survey within 45 days of setting monuments and to return corrected maps of survey within 30 days. The investigation found that Mr. Baker set monuments for a partition plat and for another survey, but had not filed maps of survey or returned them for filing. Mr. Baker did not dispute the allegations when he responded to the allegations. Upon consideration, the Committee determined to issue Mr. Baker a Notice of Intent to Assess a \$2,000 civil penalty for violations of ORS 209.250(1).

2656 – Mikhail P. Golberg / Stephan Bryant

Mr. Tappert reported the Committee discussed that respondent Mikhail P. Golberg, EIT, Certified Engineering Geologist (CEG), engaged in the unlicensed practice of engineering when he prepared a report that provided engineering recommendations not done by a professional engineer, including those on expected structural loads, continuous footing widths, and pavement standards. Mr. Golberg conducted subsurface exploration and documented geotechnical conditions for construction of a Portland Community College campus in Newberg. In addition, the report was co-signed by Mike Kath, Senior Engineer, who at the time was not a registered PE.

Mr. Tappert noted that the report does not distinguish between what the two authors offered to the report. For Mr. Kath, his unlicensed use of the title means he engaged in the unlicensed

practice of engineering. For Mr. Golberg, his contribution to the unlicensed practice of engineering comes from references to geotechnical engineering not within the practice of a CEG. The Committee directed a case be opened against Mr. Kath. The Committee also determined to issue Mr. Golberg NOI a Notice of Intent to Assess a Civil Penalty. However, the Committee suggested delaying Mr. Golberg's NOI until Mr. Kath's case is at the same stage of the complaint process to allow coordination of informal conferences, if so requested.

2661 – Roger N. Natsuhara / OSBEELS

Mr. Tappert reported the Committee discussed that respondent Roger Natsuhara, PE, signed his renewal form certifying he had completed the required Professional Development Hours (PDH) units. In response to the audit, Mr. Natsuhara stated he no longer had the records and requested the Board "discontinue" his registration. During the investigation, it was learned he was in the U.S. Navy at the time of his audit and attended civilian seminars, but he could not get copies to evidence his trainings. The Committee determined further investigation on June 9, 2011, regarding Mr. Natsuhara's active military status during the audit because of an exemption. Upon further investigation it was confirmed that during the audit he was on active status and was not a civilian assigned to the U.S. Navy. As a result, it was moved and seconded (Tappert/Davis) to close the case as allegations unfounded. The motion passed unanimously.

2685 – Vuppuluri Dakshina Murty / OSBEELS

Mr. Tappert reported the Committee discussed that respondent Vuppuluri Dakshina Murty, PE, signed his renewal form certifying he had completed the required PDH units. When audited Mr. Murty submitted a CPD Organizational Form wherein he claimed 1,215 PDH units for teaching engineering courses at an Oregon University. As a result, the Board wrote to inform Mr. Murty that full-time faculty teaching college courses do not apply towards PDH units and requested that he submit a CPD Organizational Form with 30 qualifying PDH units and supporting documentation. Mr. Murty provided no further documentation, so he was notified that his case was referred to the Committee for further review.

When contacted by a Board investigator, Mr. Murty explained that he wanted to retire his registration and did not want to comply with the CPD requirements. Mr. Murty was informed that he may retire his registration, which would take effect when received; however, he was still accountable for complying with CPD requirements during the audit period. Mr. Murty subsequently called Wilkinson to inform that he would submit his CPD documentation. When the documentation was reviewed, some activities were discounted as not conforming, but otherwise he had exceeded the minimum 30 PDH units. Upon consideration, the Committee determined to issue Mr. Murty a NOI to assess a \$2,000 civil penalty for failure to maintain records, to submit the information when requested by the Board, and to cooperate with the audit in violation of OAR 820-010-0635(5) and OAR 820-020-0015(7)(8).

2695 – Johann D. Swart / OSBEELS

Mr. Tappert reported the Committee discussed that respondent Johann D. Swart, PLS, CWRE, signed his renewal form certifying that he had completed the required PDH units. In response to the audit, Mr. Swart requested his status be made "inactive" since he moved to the Bahamas where he claimed to not have the opportunity to obtain PDH units and where he was not

practicing. In response to investigator inquiries, Swart stated he signed the renewal form in error.

Tappert noted that the LEC determined to issue Mr. Swart a Notice of Intent (NOI) to assess a \$3,000 civil penalty for violation of ORS 672.200(4), OAR 820-010-0635(1),(5), and OAR 820-020-0015(7), and OAR 820-020-0025(1), but also directed staff to review Mr. Swart's renewal forms and sort his registration status during the audit period to verify Swart had not certified CPD compliance for another renewal cycle after claiming he was unable to obtain them. A review of Mr. Swart's registration file determined that he is in the middle of the renewal cycle for which he certified compliance of CPD requirements for the audit period and therefore has further opportunity to demonstrate CPD compliance for his next renewal period. As a result, the NOI was issued as determined by the Committee.

2703 – Chris Palmer / OSBEELS

Mr. Tappert reported the Committee discussed that respondent Chris T. Palmer, PLS, PE, CWRE, signed a renewal form certifying he had completed the required PDH units. However, Mr. Palmer failed to meet continuing education requirements, submitted no PDH documentation, and was untruthful. Prior to any discussion, Committee member Sue Newstetter announced she had a business relationship with Mr. Palmer's now-deceased brother. However, her opinion would not be affected by that past relationship.

Mr. Tappert noted that Mr. Palmer is the only registered professional land surveyor in Harney County and was its County Surveyor. Furthermore, Harney County is a remote county away from many of the resources that are readily available in the more populous parts of the State. Nonetheless, the Committee determined to issue Mr. Palmer a Notice of Intent to assess a \$3,000 civil penalty for violation of ORS 672.200(4), OAR 820-010-0635(1) and (5), OAR 820-020-0015(7), and OAR 820-020-0025(1).

2732 – Daniel Lita / OSBEELS

Mr. Tappert reported the Committee discussed that Daniel Lita was an April 2011 examinee whose examination results were being withheld from release by the National Council of Examiners for Engineering and Surveying (NCEES) due to exam irregularities. NCEES applied five different statistical models to the examinations in order to identify possible unauthorized behavior. The analyses continued when there was an unusual commonality of answer responses, particularly incorrect answers, for pairs of examinees seated in proximity to each other. In this instance, it was Mr. Lita and his tablemate. The Committee reviewed preliminary evaluations for both persons and determined that Mr. Lita would undergo additional scrutiny due to the number of answers without showing work and his tablemate would not. For reasons unknown, the examinees received the same exam booklets thus increasing the opportunity for exam subversion.

Tappert noted that one of five statistical models indicated Mr. Lita might have cheated. In addition, Mr. Lita had a drop in his afternoon exam results when he was not seated next to his morning tablemate and he had a large number of questions answered without showing his work. While a singular statistical model indicated a problem, the collaborating facts were minimal to support the contention of exam subversion. As a result, it was moved and seconded

(Tappert/Davis) to close the case with a letter of concern and to notify NCEES to release Mr. Lita's exam results. The motion passed unanimously.

2733 – Mouhamad Zaher / OSBEELS

Mr. Tappert reported the Committee discussed that Mouhamad Zaher was an April 2011 examinee whose examination results were being withheld from release by the National Council of Examiners for Engineering and Surveying (NCEES) due to exam irregularities. In this instance, it was Mr. Zaher and his tablemate. The Committee reviewed preliminary evaluations for both persons and determined that Mr. Zaher would undergo additional scrutiny due to the two statistical models that highlighted his exam and the proctor reports that documented Mr. Zaher was “looking around” during the exam. For reasons unknown, the examinees received the same exam booklets thus increasing the opportunity for exam subversion.

Tappert noted the proctor reports displaying comments that Mr. Zaher was looking around during the exam. However, no proctor brought this behavior to Mr. Zaher's attention. In addition, Mr. Zaher failed to show much of his work. Lastly, two of NCEES five statistical models indicated Mr. Zaher might have cheated. In conclusion, the Committee acknowledged that the evidence supported the conclusion that it is more likely than not that Mr. Zaher engaged in copying. As a result, the Committee determined to issue Mr. Zaher a Notice of Intent to Void his April 2011 Examination Score, Suspend Admission to Future Examination for three years, and Assess a \$1,000 Civil Penalty for violation of ORS 672.045 (10), ORS 672.200(1) and (4), and OAR 820-020-0040(1)(e).

New Business:

Preliminary Evaluation: Complaint against Phil Martinson

Mr. Tappert reported the Committee discussed a preliminary evaluation regarding the registration status of Phil Martinson, PE (retired) and LSIT when he prepared a report for an attorney involved in civil action against OSHA. At the time, Mr. Martinson's registration was in delinquent status. However, he used the title PE in both his letterhead and in his signature to the report. Mr. Martinson claimed the report was prepared under his certification as a Construction Document Technologist (CDT) and not under his PE registration. In lieu of the evidence reviewed, the Committee determined to open a law enforcement case.

Unfinished Business:

2615 – Andrew Goodell

Mr. Tappert reported the Committee discussed that respondent Andrew Goodell, Registered Geologist (RG) and Certified Engineering Geologist (CEG) offered through his firm Holocene Engineering, LLC, to provide his clients professional RG and CEG services with several activities that overlapped practices with a geotechnical engineer. The JCC reviewed the case and found that Mr. Goodell was offering services within the overlap area, but was unlawfully using the term “engineering,” so the case was referred to the LEC for disposition on August 11, 2011. The Committee determined to inquire as to the current status of the firm.

Tappert noted that Mr. Goodell had accepted a full-time position with another company that included a non-compete clause. As a result, Mr. Goodell had not renewed his firm's corporate registration. Lastly, Mr. Goodell had disabled his Web site. Upon consideration, it was moved

and seconded (Tappert/Davis) to close the case with a letter of concern that Mr. Goodell not use the term “engineering” in any future professional endeavors unless registered with OSBEELS. The motion passed unanimously.

Preliminary Evaluation: David Long allegations against Jim Colton, PLS

Mr. Tappert reported the Committee previously discussed a preliminary evaluation of allegations submitted by David Long submitted against Jim Colton, PLS, regarding concerns about forged or altered survey and deed documents at their meeting on August 11, 2011. However, the Committee was asked to set aside the complaint until the October meeting so additional evidence could be submitted. The Committee agreed. At the time of the October LEC meeting, the information had not been submitted. Nevertheless, a copy of a deed report prepared for Mr. Long was reviewed by the Committee. As a result, the Committee determined to not open a case and to inform Mr. Long that he may submit a complaint at a later date once the evidence is assembled.

Mr. Tappert reported that the Committee reviewed the list of Cases Subject to Collections, Cases Subject to Monitoring, and Case Status Report. There was no further discussion.

PROFESSIONAL PRACTICES COMMITTEE

Ms. Newstetter reported that the Professional Practices Committee (PPC) met on October 14, 2011, to discuss the matters contained in the Committee minutes. Additional discussion was held regarding the following matters:

Digital Signatures

The Board reviewed and discussed the paper regarding digital signatures prepared by Kristi Nelson, PE. While the Board did agree to some points made in Ms. Nelson’s paper, several members expressed concerns regarding her outlook on exactly how self-issued certificates meet the OAR requirements. As a result, the Board established a Sub-Committee of the Rules and Regulations Committee to closely review OAR 820-010-0620 – Official Seal and work on examples of digital signatures. President Linscheid appointed Ms. Newstetter, Mr. Seward, and Mr. Tappert as members of the Sub-Committee.

RULES AND REGULATIONS COMMITTEE

On behalf of Mr. Seward, Mr. Tappert reported that the Rules and Regulations Committee (RRC) met on October 14, 2011, to discuss the matters contained in the Committee minutes. Additional discussion was held regarding the following matters:

OAR 820-010-0621– Final Documents

After a lengthy discussion regarding the engineering and land surveying practices regarding final documents, it was moved and seconded (Tappert/Seward) to approve the rulemaking process to amend OAR 820-010-0621 as presented. The motion passed unanimously.

STANDARDS OF LAND SURVEYING PRACTICE COMMITTEE

Ms. Newstetter restated that a quorum wasn’t reached in order to proceed with the Standards of Land Surveying Practice Committee meeting. Concerns regarding new appointments to the Committee were discussed. Largely, regular attendance is essential for a productive meeting.

Presently, there are 8 members appointed to this Committee. AAG Tucker-Davis specified that 5 members must be present in order to convene the meeting of the Standards of Land Surveying Practice Committee. For those reasons, Ms. Newstetter respectfully requested that President Linscheid refrain from appointing additional members. She further explained that the Standards of Land Surveying Practice Committee is a public meeting, open to the public, and interested parties are encouraged and welcomed to attend. She also informed the Board that the Committee has received a lot of great feedback on the draft narrative rule from the land surveying community. Thus, it is clear that more revisions to the draft rule are necessary. There was no further discussion.

NEW BUSINESS

President Linscheid informed the Board that a question came up during lunch concerning Ms. Lopez's work schedule. Ms. Lopez has requested the Board to consider allowing her to temporarily work from home on Thursdays and Fridays beginning in the month of January 2012 due to personal matters. Mr. Linscheid further explained that according to AAG Tucker-Davis, he cannot solely make the decision; the entire Board must weigh-in on Ms. Lopez's request. Several members expressed concerns regarding the timing with Ms. Gilbert's medical leave, personnel matters, and working 40 hours per week. It was noted that Ms. Lopez is a salary employee and not subject to the Fair Labor Standards Act (FLSA). After a lengthy discussion, it was the consensus of the Board to temporarily allow Ms. Lopez to work from home on Thursday and Friday provided that she is able to keep the office running properly. The Board will revisit her work schedule during the March Board meeting. There was no further discussion.

ADJOURN

The meeting was adjourned at 2:25 p.m.

NEXT MEETINGS

Next Board Meeting:

January 10, 2012

Next Committee Meetings:

LAW ENFORCEMENT:

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

Standards of Land Surveying Practices:

Thursday, December 8th at 12:00 p.m.

RULES & REGULATIONS:

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

- DIGITAL SIGNATURES

Friday, December 9th at 8:30 a.m.

EXAMINATIONS & QUALIFICATIONS:

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

FINANCE:

Friday, December 9th at 11:00 a.m.

EXTERNAL RELATIONS:

Friday, December 9th at 11:30 a.m.

PROFESSIONAL PRACTICES:

Friday, December 9th at 1:00 p.m.