



Oregon

State Board of Examiners for
Engineering & Land Surveying
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Minutes of Meeting
September 14, 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
Ken Hoffine
Mari Kramer
Dan Linscheid
Carl Tappert
Sue Newstetter
John Seward
Amin Wahab

Visitors Present:

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

Others Present:

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
Mari Lopez, OSBEELS Executive Secretary (excused absence)

APPROVAL OF AGENDA

It was moved and seconded (Tappert/Kramer) to approve the agenda. The motion passed unanimously.

APPROVAL OF MINUTES

Mr. Seward pointed out a minor typographical error on page 5 of 16 of the July 13, 2010 minutes; change Legislation to Legislature. It was moved and seconded (Kramer/Newstetter) to approve the minutes of the July 13, 2010 Board Meeting as amended. The motion passed unanimously.

EXECUTIVE ASSISTANT'S REPORT

Committee Activities

Ms. Gilbert 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, and the Oregon Specific Examination Task Force each met during the interim. The Committee minutes were included in the packets. Additionally, she briefly noted that a Joint Compliance Committee meeting was held on August 17, 2010 with members of the Oregon State Board of Geologist Examiners.

Administrative Activities

October 2010 Oregon Specific Examinations/NCEES

Ms. Gilbert noted that staff is currently preparing for the October 2010 examinations. The local examination administration will be held at the Oregon State Fair & Expo Center in Salem, Oregon on October 29 – 30, 2010. Examinations will also be administered at Hanyang University in Seoul, South Korea and also on the Yokosuka Naval Base in Kanagawa, Japan for applicants currently in the military.

She further reported the number of approved applicants for the each examination as shown below:

- 179 – Fundamentals of Engineering
- 16 – Fundamentals of Land Surveying
- 152 – Professional Engineering
- 11 – Washington Structural III
- 7 – Professional Land Surveying
- 30 – 4-hour Oregon Specific Land Surveying

Of these 395 examinations, there are currently 367 applicants scheduled to take the examinations at the Oregon State Fair & Expo Center and 28 applicants scheduled to take the examinations outside of Oregon.

Registration

Ms. Gilbert stated that staff will mail courtesy reminders in October for the December 31, 2010 biennial renewal schedule. Pursuant to the Oregon Administrative Rule (OAR) 820-010-0505, a late penalty fee of \$80.00 per registration will be assessed for renewals not received by 5:00 p.m., on December 31, 2010.

Ms. Gilbert also reported that the August 2010 audit of professional development hours (PDH) units is underway. Staff sent 389 requests to submit the Continuing Professional Development (CPD) Organizational form and supporting documentation.

Examination Agreements

CSBSR (Photogrammetric Mapping) – Ms. Gilbert reported that Sue Newstetter briefly touched base with Doyle Allen, contact for the Colonial States Board of Surveyor Registration, during the NCEES 89th Annual Meeting. Since he has not yet contacted the Board office, Ms. Newstetter offered to reach out and remind Mr. Allen that OSBEELS staff is awaiting his next move in order to finalize the agreement.

CA Geotechnical – Ms. Gilbert reported that Ric Moore, Examination Unit Manager for the California Board for Professional Engineers & Land Surveyors, has received approval for OSBEELS to provide the California Geotechnical examination for the upcoming administration. There are currently 2 applicants for the October 2010 administration.

NCEES 89th Annual Meeting

Ms. Gilbert briefly reported that President Davis, Ms. Newstetter, and Mr. Wahab served as the delegates to the NCEES Annual Meeting on August 18-21, 2010 at the Marriott Denver City Center in Denver, Colorado. Ms. Newstetter's report was included in the packets.

PE Licensure by Comity from non-U.S. Jurisdictions - Update

Ms. Gilbert noted that during the July Board meeting, it was mentioned that the Washington Board proposed a rule "PE Licensure by Comity from non-U.S. Jurisdictions." A hearing was held by the Washington Board on May 27, 2010. She stated that Ms. Lopez contacted the Washington Board and was informed that nine individuals signed in to offer testimony. During their July Board meeting, it was voted to continue the matter until September 24, 2010. In the meantime, the Washington Board will be evaluating and responding to the dozens of comments received expressing opposition to the proposal.

Board Vacancies

Ms. Gilbert briefly stated that the engineer position vacated by George Gross has yet to be filled. There was no further discussion.

Staffing

Ms. Gilbert noted that OSBEELS has two vacant staff positions; Investigation and Outreach. Furthermore, Ms. Lopez and Jennifer Carmack are currently on maternity leave. Their return to work is anticipated before the end of the year.

PRESIDENT'S REPORT

President Davis reported on the topics discussed during the NCEES Annual Meeting. Topics he briefly covered included examination codes, potential new professional examinations, and various motions passed. He expressed concern for the E&Q Committee to consider experience gained and references for verification as they relate to qualifying experience on "engineering projects" in the field of teaching.

President Davis briefly noted that the Executive Secretary Evaluation Committee consists of Amin Wahab as Chair, with members Ken Hoffine and Dan Linscheid. Their draft report is due at the November Board meeting.

EXAMINATIONS AND QUALIFICATIONS COMMITTEE

Ms. Kramer reported that the E&Q Committee met on August 13, 2010 to discuss the matters contained in the Committee minutes. There was no further discussion.

Registration

Comity Applications – Ms. Kramer directed the members' attention to the list of 61 professional engineer applicants for registration by comity. It was moved and seconded (Kramer/Linscheid) to

approve the list of 61 professional engineer applicants as presented. The motion passed unanimously.

1st Registration Applications – Ms. Kramer directed the members’ attention to the 12 applicants seeking 1st registration. It was moved and seconded (Kramer/Linscheid) to approve the 12 applicants as presented. The motion passed unanimously.

Prior Practice Applications – Ms. Kramer directed the members’ attention to the 3 applicants seeking Geotechnical registration by prior practice. It was moved and seconded (Kramer/Linscheid) to approve the 3 applicants as presented. The motion passed unanimously.

Oregon Specific Examination Task Force

Mr. Linscheid reported that the Oregon Specific Examination Task Force met on August 13, 2010, to discuss the matters as contained in the minutes. There was no further discussion.

EXTERNAL RELATIONS COMMITTEE

Ms. Kramer reported that the ERC met on August 13, 2010, to discuss the matters as contained in the Committee minutes. Additional discussion was held by the Board regarding the following matters:

Monument Removal and Plats

After a brief discussion, it was moved and seconded (Kramer/Linscheid) to approve the article, *Monument Removal and Plats* in the next edition of the Oregon Examiner. The motion passed unanimously.

Promoting Registration

No taglines were received for the promotional posters. During the discussion, it was recommended to include employment statistics, if possible, to entice individuals to obtain registration. Therefore, the Committee will continue its efforts in October to develop taglines.

FINANCE COMMITTEE

Mr. Tappert reported that the Finance Committee met on August 13, 2010, to discuss the matters as contained in the Committee minutes. Additional discussion was held by the Board regarding the following matters:

Investment Policy

After discussion, it was moved and seconded (Tappert/Doane) to adopt the Investment Policy as distributed. The motion passed unanimously.

Review vs. Audit

After a brief discussion, it was moved and seconded (Tappert/Newstetter) for the Board to continue participating in a financial audit with an organization that has entered into an agreement with the Secretary of State Audit Division. The motion passed unanimously.

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 July 31, 2010. This time period reflects the latest data received in bank statements for the 2009 – 2011 biennium.

LAW ENFORCEMENT COMMITTEE

Before Mr. Linscheid reported on the matters that the LEC discussed on August 12, 2010, recognized in the audience was attorney Wes Hill, representing respondent Richard Montgomery, PLS, in case 2465. In addition, a confidential legal memorandum regarding the Montgomery contested case was submitted by AAG Tucker-Davis.

As a result, President Davis asked AAG Tucker-Davis to brief the Board. She stated two events would happen. First, the Board would go into executive session under ORS 192.660 to only discuss her legal advice regarding case 2465. The Board would then reconvene in public session. Thereupon, the Board would go out of public session to deliberate on the case without making a decision. This is an exception to the Public Meeting Law. After deliberating, the Board would reconvene in open session to discuss any determination.

President Davis then took the Board into Executive Session as provided by ORS 192.660(2)(f) to consider written advice from the Board’s attorney.

Upon returning to open session, it was noted that no action was taken during Executive Session. Upon welcoming the public back, Mr. Davis also stated that Board Emeritus member Bob Neathamer, PLS, attended the session. He added that no decisions were made. President Davis then read the script to go into case deliberation noting that Mr. Linscheid would not participate.

When the Board reconvened in public session, it was moved and seconded (Newstetter/Tappert) to not amend the proposed order to impose a sanction against Mr. Montgomery. She explained that the Board would not issue a sanction against Mr. Montgomery. The motion passed; Mr. Linscheid abstained from the vote. Additionally, it was moved and seconded (Newstetter/Seward) for the Board to issue a Final Order in 2465 that does not accept the Administrative Law Judge’s (ALJ) reasoning. The motion passed; Mr. Linscheid abstained from the vote. President Davis observed that the Board must put forth its own reasoning in the Final Order and asked for volunteer Board members to assist AAG Tucker-Davis in drafting the Final Order. Ms. Newstetter agreed to assist. AAG Tucker-Davis would work with Ms. Newstetter to draft a proposed Final Order for Board consideration at its meeting on November 9, 2010.

Informal conferences

2572 – Stephan Topaz

Mr. Linscheid reported the Committee met in an informal conference with respondent Stephan R. Topaz and his attorney Gary Bullock to discuss a Notice of Intent of Assess a \$1,000 Civil Penalty (NOI) for violations of ORS 672.007(1)(a),(c) and ORS 672.045(2). The Board received a complaint from Mr. Topaz regarding upgrades made by the City of St. Helens Engineering Department to the City’s sewer and storm drain systems. A preliminary review of the complaint showed the allegations were not within the Board’s authority. However, Mr. Topaz signed his complaint to the Board as “PE,” but Mr. Topaz was not registered with OSBEELS.

Mr. Linscheid stated the informal conference did not result in a settlement agreement. He noted that Mr. Topaz was licensed by the State of Maryland in 1966, but had not kept current with his registration and had not submitted an application for licensure with OSBEELS. During the informal conference, Mr. Topaz asserted that he had not stamped anything and had not illegally used the PE title. Shortly thereafter, Mr. Topaz and his attorney withdrew from the conference and requested a hearing with the Office of Administrative Hearings (OAH). In response to a question, AAG Tucker-Davis stated his right to a hearing was preserved when they submitted their response to the NOI and requested an informal conference.

2578 – Robert Boyer

Mr. Linscheid reported the Committee met in an informal conference with respondent Robert Boyer, PLS, PE, to discuss a Notice of Intent to Revoke Registration and Assess a \$5,000 Civil Penalty (NOI) for violations of ORS 672.200(2),(4), ORS 209.250(2),(3), OAR 820-020-0015(1),(2), and OAR 820-020-0025(2). Clackamas County Surveyor R. Charles Pearson, PLS, alleged that Mr. Boyer was negligent or incompetent in the practice of land surveying by continuously submitting incomplete survey work for review. Mr. Boyer prepared a property line adjustment (PLA) filed as Clackamas County SN 2007-091 and a partition plat recorded as 2008-101. Both surveys were for the same property.

Mr. Linscheid informed the Board that the case became very involved because of the confusion caused by Mr. Boyer conducting both the PLA and partition plat at nearly the same time. A problem with the PLA boundary resolution carried over onto the partition plat and it had to be resolved. It first appeared to Mr. Linscheid that a settlement would not be reached; however, agreement was eventually found. Mr. Boyer agreed to a \$5,000 civil penalty with \$4,000 abated so long as he complies with the settlement agreement. In addition, the Board will suspend his professional land surveying registration from September 15, 2010 until December 15, 2010. A motion to approve the settlement agreement with Mr. Boyer was moved and seconded (Linscheid/Tappert). The motion passed unanimously.

2579 – Jaime Lim

Mr. Linscheid reported the Committee met in an informal conference with respondent Jaime Lim, PLS, SE, and his attorney Heather Harriman to discuss a Notice of Intent to Revoke Registration and to Assess a \$5,000 Civil Penalty (NOI) for violating ORS 672.020(2), ORS 672.200(2),(4), OAR 820-010-0620(2), OAR 820-010-0621, OAR 820-020-0015(2),(10), and OAR 820-0020-0025(1). Complainant Carol Moeller, Administrator for the Oregon Board of Architect Examiners (OBAE), alleged that the respondent was not in responsible control and was incompetent in the practice of engineering when he designed a non-exempt structure in Portland.

In an unusual twist, the informal conference began with the Committee reviewing a settlement offer from Ms. Harriman. The offer did not meet the Committee needs, noted Mr. Linscheid, but it was a positive way to start discussions towards resolution. He noted that the professional reviewer report by Edward Tornberg, SE, was a valuable tool to inform both the respondent and the Committee on the engineering issues. As a result, there was virtually no discussion of the substantive issues.

The Committee made a counteroffer wherein Mr. Lim would retire his professional engineering registration effective December 31, 2010. There was no offer for reinstatement. In addition, Mr. Lim is to provide the Board with a list of pending projects by September 31, 2010, and a list of finished projects and those transferred to another engineer by December 3, 2010. Finally, Mr. Lim is to not accept any new work and, after revocation, not offer to or perform any services that are the practice of engineering. Mr. Lim denied the allegations. A motion to approve the settlement agreement with Mr. Lim was moved and seconded (Linscheid/Newstetter). The motion passed unanimously.

Committee Meeting

2574 – Jonathan Smith / Edward Butts

Mr. Linscheid reported the Committee discussed complainant Ed Butts, PE, CWRE, allegations that respondent Jonathan Smith, PE, used his engineer seal and modified his design plans thus posing a risk to public safety. Mr. Butts originally designed a pump station and retaining wall that required modifications due to site conditions found during construction. Mr. Smith made the modifications. To assist in its determination, the Committee had professional reviewer Eugene Trahern, SE, review the case file. Mr. Linscheid observed a number of engineering issues Mr. Trahern found, including a lateral soil pressure that was below code requirement. AAG Tucker-Davis cautioned the Board that just because it does not meet a code requirement it does not necessarily mean the work was negligent or incompetent. The Committee determined to issue a Notice of Intent to Revoke Registration and Assess a \$3,000 Civil Penalty for use of the seal and practicing outside his area of competence violating ORS 672.200(2), OAR 820-020-0015(2), and OAR 820-020-0020(2).

2580 – Troy Fowler / OBAE

Mr. Linscheid reported the Committee discussed that Carol Moeller, OBAE Administrator, submitted the complaint against Mr. Lim. When a preliminary evaluation was done, investigators found that respondent Troy Fowler had also engaged in the unlicensed practice of engineering and a case file was opened. Mr. Linscheid emphasized that the OBAE had already sanctioned Mr. Fowler for the unlicensed practice of architecture. The Committee determined to issue Mr. Fowler a Notice of Intent to Assess a \$1,000 Civil Penalty for the unlicensed practice of engineering violating ORS 672.020(1) and ORS 672.045(1)(2).

2581 – James Colton / Kent Ray Seida

Mr. Linscheid reported the Committee discussed complainant Kent Seida allegations that a survey crew from OBEC Consulting Engineering (OBEC) violated right of entry notice and damaged vegetation while conducting a survey on his property. Mr. Linscheid observed that OBEC was contracted with the Oregon Department of Transportation (ODOT) and that ODOT sent a letter to affected property owners within their project area. However, Mr. Seida did not receive a letter. Mr. Colton was in responsible charge of the OBEC project. Furthermore, the Committee noted that the ODOT letter was not compliant with ORS 672.047. The Committee determined to issue Colton a Notice of Intent to Assess a \$1,000 Civil Penalty for violating ORS 672.047.

2584 – Richard Wise / Connie Elmer

Mr. Linscheid reported the Committee discussed complainant Connie Elmer allegations that Richard Wise had engaged in the unlicensed practice of land surveying. The Committee learned

that Ms. Elmer's neighbor hired Mr. Wise to assist him with property improvements, including the construction of a fence along their common property line. Mr. Wise contacted Ms. Elmer by writing two letters stating he had located property corners. However, the landowner informed a Board investigator that he showed Mr. Wise the property corners. As a result, Mr. Wise was acting as a fence contractor and had not located the corners. In addition, Ms. Elmer had two surveyors evaluate the situation and she ignored their advice. The Committee determined to close the case as allegations unfounded. A motion to close the case as allegations unfounded was moved and seconded (Mr. Linscheid/Newstetter). The motion passed unanimously.

2606 – Martin Crouch / OSBEELS

Mr. Linscheid reported the Committee discussed that respondent Martin Crouch, PE, signed his renewal form certifying he had completed his CPD requirements. When audited, Mr. Crouch failed to provide CPD documentation and requested retirement. However, he responded to Board investigators with a CPD Form and documentation. As a result, the Committee determined to issue Mr. Crouch 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).

2607 – A. David Faller / OSBEELS

Mr. Linscheid reported the Committee discussed that respondent A. David Faller, PE, signed his renewal form certifying he had completed his CPD requirements. When audited, Mr. Faller failed to provide CPD documentation and requested retirement. However, a retroactive retirement will not forego the violation and sanction. As a result, the Committee determined to issue Mr. Faller 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).

2608 – Libo Liu / OSBEELS

Mr. Linscheid reported the Committee discussed that respondent Libo Steven Liu, PE, signed his renewal form certifying he had completed his CPD requirements. When audited, Mr. Liu submitted a CPD Form listing the professional development hours (PDH) he had obtained outside of his audit period. However, Mr. Liu failed to meet continuing education requirements, submitted no PDH documentation, and was untruthful. As a result, the Committee determined to issue Mr. Liu 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).

2609 – Isaac Simkin / OSBEELS

Mr. Linscheid reported the Committee discussed that respondent Isaac Simkin, PE, signed his renewal form certifying he had completed his CPD requirements. However, Mr. Simkin failed to meet continuing education requirements, submitted no PDH documentation, and was untruthful. As a result, the Committee determined to issue Mr. Simkin 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).

2610 – David Wright / OSBEELS

Mr. Linscheid reported the Committee discussed that respondent David Wright, PE, signed his renewal form certifying he had completed his CPD requirements. When audited, Mr. Wright responded that he had retired from practice due to a medical disability and requested retirement

status. Mr. Linscheid observed that Mr. Wright's medical condition began decades ago, but only recently had the symptoms manifested to prohibit his continued practice. A motion to accept his retirement and close the case as compliance met was moved and seconded (Linscheid/Seward). The motion passed unanimously. Mr. Seward also asked about Mr. Wright submitting his medical information. In response, AAG Tucker-Davis stated that if the Board received a public records request that staff should consult with her to ensure the information can be released.

2620 – Peter Osredkar / OSBEELS

Mr. Linscheid reported the Committee discussed that respondent Peter J. Osredkar, PE, had been disbarred in 2005 as a New York attorney and as a Patent Attorney for falsifying a law school transcript, resumes, and letters of recommendation. To investigate, the Board received information from the New York Courts that showed the employers Mr. Osredkar reported on his 2000 New York Bar application conflicted with dates and locations he reported to OSBEELS for his professional engineer application in December 2003. The OSBEELS application states, "Record must be continuous regardless of the nature of employment." Mr. Osredkar failed to report his law school attendance or law firm employers on his OSBEELS application and therefore forged his OSBEELS application. The Committee determined to issue a Notice of Intent to Revoke Registration and Assess a \$1,000 Civil Penalty for violating ORS 672.045(10).

New Business

Preliminary Evaluation: Osredkar complaint against Walker

Mr. Linscheid reported the Committee discussed a preliminary evaluation of a complaint submitted by Peter J. Osredkar, PE, regarding Billie M. (Mo) Walker, PE. Mr. Osredkar alleged that Ms. Walker was trying to practice mechanical engineering. The Committee discussed the distinction between supervising personnel in a human resources manner and supervising engineering work products. Furthermore, Ms. Walker is a professional engineer and can practice in any field in which she is competent. Mr. Osredkar also alleged falsified timesheets, which is outside the Board's jurisdiction. As a result, the Committee determined to not open a law enforcement case.

Preliminary Evaluation: Jerry Young reprimand

Mr. Linscheid reported the Committee discussed a preliminary evaluation of a notice from Jerry C. Young, PE, regarding disciplinary action taken against him by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors. According to the OK Board, Mr. Young should have known that his employer did not have a Certificate of Authorization to operate in Oklahoma and he was found to have aided and assisted the unauthorized practice of the firm. He was assessed a \$750 civil penalty and a reprimand. However, neither the violation nor the civil penalty gives rise to a level required to take action under OAR 820-020-0015(6). The Committee determined to not open a law enforcement case.

LEC Discussion: Jack Watson investigation

Mr. Linscheid reported the Committee discussed a proposed field investigation of case number 2630 involving Jack Watson, PLS. The case was opened due to questions about the evidence Mr. Watson used to reestablish three original General Land Office (GLO) corners in Central Oregon. This case is related to a series of complaints the Board investigated in 2002. Mr. Linscheid also noted that the field investigation should coordinate with Mary Hartel of the Bureau of Land Management (BLM) and with Bill Drummond of the U.S. Forest Service (USFS). He added that

Evelyn Kalb, PLS, JD, agreed to be the Board's professional reviewer. The plan is to have agency personnel provide a written determination on how they would direct their surveyors on the acceptance of corner evidence. A letter will be sent to invite the parties before field work takes place. Furthermore, letters will be sent to affected property owners to request their written approval to enter their property. He concluded his comments noting he would not participate in the field investigation.

Professional Reviewer and Expert Witness Applicants

Erik Colville, PE – Mr. Linscheid reported that the Committee reviewed a professional reviewer and expert witness application submitted by Erik Colville, PE. The Committee reviewed the application and recommended approval. It was moved and seconded (Linscheid/Seward) to approve Mr. Colville as a professional reviewer and expert witness. The motion passed unanimously.

Unfinished Business

Crowley 2539: Judgment Debtor Examination

Mr. Linscheid reported that the Committee had a briefing by AAG Tucker-Davis regarding the steps to conduct a debtor examination on Larry Crowley regarding case 2539. AAG Tucker-Davis then explained that the Board issued a Default Final Order against Mr. Crowley and assessed him a \$9,000 civil penalty for the unlicensed practice of engineering. He failed to pay to debt. In addition, the Board has not received information to indicate that he is engaged in any current activity that would warrant the Board seeking an injunction. The debtor examination offers the Board an opportunity to discover what he is currently working on and if there are income or assets that can be sought to satisfy the Default Final Order. The examination would be handled by another ODOJ office. It was moved and seconded (Linscheid/Tappert) to approve moving forward with the debtor's examination. The motion passed unanimously.

Joint Compliance Committee: Three cases referred to the JCC

Mr. Linscheid reported that the Committee discussed three law enforcement cases that were referred to the Joint Compliance Committee (JCC) for review, including Marcella Boyer, James Rodine, and Andrew Goodell.

Settlement Agreements

Cases Subject to Collections

Mr. Linscheid noted the Committee discussed that Dale Marx in case number 2425 owes a \$1,000 civil penalty. However, when a Board investigator contacted Mr. Marx he was under the impression that the penalty had been paid. There will be internal review to determine if he had paid. In addition, Board Investigator Wilkinson confirmed that Dan Bauer, PLS, was in responsible charge of the Marx and Associates surveying activities. Mr. Linscheid also stated that Mr. Calvin Bontrager was the person who engaged in unlicensed land surveying with a hand-held GPS unit, but he has been making regular payments on his penalty. There was no further discussion on the Cases Subject to Collections or the Cases Subject to Monitoring.

Case Status

Case Status Report

Mr. Linscheid reported that the case load increased significantly by 21 with the CPD referrals.

PROFESSIONAL PRACTICES COMMITTEE

Ms. Newstetter reported that the PPC met on August 13, 2010, to discuss the matters contained in the Committee minutes. **President Davis then took the Board into Executive Session as provided by ORS 192.660(2)(f) to consider written advice from the Board's attorney.**

Upon returning to open session, it was noted that no action was taken during Executive Session. Upon welcoming the public back, Mr. Davis also stated that Board Emeritus member Bob Neathamer, PLS, attended the session. If a proposal is submitted for the 2011 legislative session, it was then moved and seconded (Linscheid/Tappert) that the Board not take exception to the following language in subsection 1:

Subject to subsection (4) of this section, a registered professional land surveyor, or any employee or agent of the land surveyor, may enter on foot, where practicable, upon any land for the purpose of surveying or performing any survey work.

The motion passed unanimously. There was no further discussion.

RULES AND REGULATIONS COMMITTEE

Mr. Tappert reported that the R&R Committee met on August 13, 2010, to discuss the matters contained in the Committee minutes. In addition, it was moved and seconded (Tappert/Seward) to approve the rulemaking process to repeal OAR 820-010-0435 – Oral Interview. The motion passed unanimously.

ADJOURN

The meeting was adjourned at 1:03 p.m.

NEXT MEETINGS

Next Board Meeting:

November 9, 2010

Next Committee Meetings:

LAW ENFORCEMENT:

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

Standards of Land Surveying Practices:

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

PROFESSIONAL PRACTICES:

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

RULES & REGULATIONS:

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

EXAMINATIONS & QUALIFICATIONS:

Friday, October 15th at 10:00 a.m.

Oregon Specific Examination Task Force:

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

FINANCE:

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

EXTERNAL RELATIONS:

Friday, October 15th at 2:00 p.m.