

# MEETING MINUTES

OREGON STATE BOARD OF GEOLOGIST EXAMINERS

MARCH 4, 2010

## Members Present

Richard Heinzkill, Public Member  
Chris Humphrey, RG, CEG, Board Vice-Chair  
Dr. Vicki McConnell, RG, State Geologist  
Dr. Stephen Taylor, RG, Board Chair  
Rodney Weick, RG, CEG [arrived at 1:00 PM]  
Mark Yinger, RG

## Staff Present

Susanna Knight, Administrator

## Visitors Present

Victoria Chamberlain, Executive Director, TSPC [9:30 AM to 11:00 AM]  
Adele Schepige, WOU, Division of Teacher Education [9:30 to 11:00]  
Michael Dewey, RG, CEG [1:45 PM to ]

The Board meeting was preceded by a Work Session that was opened by Chair *Taylor* at 8:30 AM. Board Member *Weick* was excused due to a work conflict. No guests were present. *Taylor* informed the Board that two guests would be present at 9:30 AM, Victoria Chamberlain, Executive Director, Teacher Standards and Practices Commission (TSPC) and Dr. Adele Schepige from the Division of Teacher Education at Western Oregon University (WOU). *Taylor* noted that the Oregon Department of Education (ODE) and the TSPC are quite separate agencies, but visiting with the TSPC is a follow-up to the ODE committee participation by the Board over the past two years.

## Follow-up to February 6, 2010 Retreat on Report Guidelines

*Taylor* informed the Board that he derived a draft statement of purpose and objectives for the OSBGE Report Guidelines based on the retreat discussion and those are summarized on the document distributed for today's Work Session. He then distributed a copy of his marked up retreat notes and summarized the Board's retreat accomplishments. He noted that on page 3 the PROFESSIONAL PRACTICE WHITE PAPER was listed but that document was not discussed at the retreat. In response to *Humphrey's* inquiry, *Taylor* confirmed that "best practices" was the wording agreed on and also offered that a third bullet under the purpose section may be added based on the outcome of the Supreme Court Case.

*McConnell* observed that there were serious differences of opinion about the "to do" process for updating the Guidelines, ranging from 'the Board should do the revision' to 'hiring an outside consultant'. *Taylor* then inquired about what the Board budget looks like and what the consultant rate is in the field. The group determined that a range of \$100 to \$150 per hour would probably represent the consultant cost. *McConnell* offered that both a geotechnical writer and a technical writer may be needed; the Board must have oversight; and inquired if registrants should be surveyed regarding the format. *Humphrey* noted that each report may require a different person. *Taylor* added that the Engineering Geology Guidelines [EGG] definitely need work.

*Humphrey* suggested that the Board begin with the Hydrogeology Report Guidelines [HRG] and build a template. *Taylor* concurred and added that starting with the EGG would be tough. *Humphrey* offered that if the Geology Report Guidelines (GRG) were established as a standard form, it could be the starting point. *Yinger* added that each report should stand alone and *Heinzkill* inquired if the Board envisions a standard format. *McConnell* stated that the Board must encourage best practices in all reports, but likes starting with the HRG because that document is the best vetted. Knight pointed out that the timing would be right for bringing the HRG up for review as the draft purpose and objective document suggested building a 5-year cycle into the budget for reviewing and updating each guideline and the HRG was released about 5 years ago.

*McConnell* concluded that the Board should have a plan when it leaves the meeting today. *Taylor* said that the Board must figure out how much money it has available ranging between \$16,000 and \$50,000. *McConnell* asked if the Board was looking for a technical writer or a consultant geologist. *Taylor* responded that a Geoscientist with editing skills could complete this task from afar. He suggested checking the trade journals and professional associations. *Yinger* noted that there is much redundancy in the HRG. *McConnell* inquired at to what the marching orders are for the HRG. *Taylor* suggested that the Board needs a panel to look at the report. *McConnell* suggested that the panel look at the ‘best practices’. Input about ‘best practices’ can be provided to the technical writer who can incorporate those into the document. *Heinzkill* asked if ‘best practice’ is a critique of the current practices as outlined.

At 9:30 AM, *Taylor* announced that the guideline discussion would be tabled and taken up again after the presentation and discussion with the TSPC representative.

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**Science Endorsements in Oregon Schools:** In an ongoing outreach effort by the Board, Victoria Chamberlain, Executive Director, Teachers Standards and Practices Commission (TSPC) was invited to present information about science endorsements in Oregon schools. She informed the Board that she serves as the Administrator of the Commission which is made up of 17 members, three of which are public members.

*Taylor* invited Adele Schepige, WOU, Division of Teacher Education to the Work Session. She introduced herself and explained that she handles all science education curriculums for WOU.

Each Board Member introduced them self and shared background information.

Chamberlain responded to an inquiry about geology science standards and informed the group that there is not a set of national standards for geology teachers. All sciences are rolled together into the National Science Teacher Association (NSTA). In Oregon, the Integrated Science Endorsement is required for teachers of geology. She informed the Board that the 1989 Legislature mandated an MAT (Master of Art in Teaching) requirement for maintaining certification. The Bachelor’s degree could then focus on coursework for a specific degree; the teaching pedagogy is covered in the MAT program which must be completed within 9 years. The gage of one’s knowledge for a teaching endorsement is passing the content test for that endorsement. TSPC also requires continuing education for renewing teaching certificates.

Chamberlain then distributed a document containing the High School Science Standards adopted by the ODE in February of 2009. The Commission considered if the Integrated Science name should be changed to Earth Science but it was not hotly debated as Integrated Science is seen as both a view of curriculum and a view of a license. Chamberlain distributed Integrated Science endorsement information from the TSPC License Guide which outlines all the new courses for the endorsement. Geology is included in the lengthy list of course titles for the Integrated Science endorsement. Chamberlain offered that the vision of the State Board is to introduce courses in the 7<sup>th</sup> and 8<sup>th</sup> grades.

Chamberlain noted that TSPC has 36 different endorsements of which Integrated Science is one. Pre-1965, Oregon had 4 licenses in existence. She also shared that changing a name is a huge problem. She also informed the group that Oregon is in the process of adopting all new exams. The exam development process was discussed.

Chamberlain then distributed the National Evaluation Series (NES) Profile for the Earth and Space Science. The pie graph reveals that 25% of Content Domain II of the exam is comprised of Geology. Chamberlain directed the group to the four pages following which outlined the content expectations for the geology section.

The group then touched on the topic of students that choose the Integrated Endorsement. Schepige offered that it is not easy to characterize the MAT teaching interest. Chamberlain said that many universities do not allow students into the MAT without a major and that teaching is both art and science. The TSPC must set the cut score for determining if the knowledge is there and the TSPC standard must not compromise the bar for the beginning teacher. *Taylor* inquired if the standards have driven anything at TSPC and Chamberlain said they had not. TSPC does have a member liaison to ODE. To affect science curriculum, Chamberlain offered that one must have the School Board on its side.

The discussion ended at 11 AM. The Board thanked Chamberlain for coming and sharing so much information. *Taylor* announced a 10-minute break. Both guests departed.

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### **Continuation of Discussion on Report Guidelines**

At 11:10 AM, the Board returned to its discussion of the report guidelines. *Taylor* suggested an action list as follows: 1) Begin with the HRG as it is the “low hanging fruit” [meaning that the Board views it as the best current example of a guideline work product]; 2) solicit a review panel to review only the content; and 3) locate a technical writer. An objective statement must be crafted for the review panel.

*Humphrey* indicated a concern about government lingo in the guidelines such as guidelines referencing other guidelines. *Taylor* offered that the guidelines should not reference statutes and rules that could change over the 5-year review period but rather should be broad based. *Taylor* then asked *Yinger* if he would be willing to take the lead with the HRG review process and avail himself to convene a review panel. The objectives for a scope of work would include what questions the panel should address. *Yinger* agreed to draft a scope of work to which Board Members would provide review and input. The Board asked that when the review panel is contacted, the Works

Session Agenda Item 1 document be included for background information. An article for the April Newsletter should provide this information to the registrant community.

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Lunch was served up at noon and the following discussion began.

**Signing and Stamping Document:** *Heinzkill* asked the Board to consider inconsistencies that the Compliance Committee sees in the use of the registrant stamp including the stamping of a hard copy report vs. an electronic report. *Taylor* asked about a friendly “hey” and suggested a series of articles in the newsletter dealing with various topics. *Heinzkill* asked what topics those would be. The following suggestions were offered:

- ✓ Submitting a PDF report could lead to a compliance case. Registrants should have a single file with a seal and signature and if documents are separated out, those must also be sealed.
- ✓ Signing through the seal: not a requirement but the Board has a preference to avoid misunderstanding of stamping.
- ✓ Placing a registration expiration date near to the stamp.
- ✓ Stamping cover letter or letter of transmittal.

*Taylor* suggested that these issues be addressed on a case by case basis but acknowledged that the Compliance Committee would like to have Administrative Rules that clarify expectations when using the stamp. *McConnell* asked if the Board wants to task the Rules Committee with tightening the seal and stamping issue and if so, then the draft SIGNATURE rule should also be dusted off. *Heinzkill* stated that he wants a resolution. *Yinger* said leave it alone and handle issues on a case by case basis. *McConnell* agreed that the Board should continue to deal with issues on a case by case basis. *Humphrey* suggested that something about stamping electronic documents be added to the current draft such as one seal for one document, which may also have to be defined. Knight added that in this electronic era, the Board must define bound. *Taylor* declared that the Board would hold a two-hour Work Session discussion at the June meeting to discuss electronic documents; seal and location; expiration date. *McConnell* said that staff can bring these ideas forward, but the Board must decide based on what is going on out there, including what “neighboring” professions are doing.

At 12:40 PM, Chair *Taylor* read the following statement:

Per ORS 192.660(1), the Board will now meet in executive session for the purpose of reviewing documents or records that are exempt by law from public inspection under ORS 192.660(2)(f).

Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced.

No decision will be made in executive session. At the end of the executive session, the Board may meet in public session to make a decision under ORS 183.482(6).

At 1:00 PM, *Weick* arrived at the meeting.

At 1:10 PM, the Board returned to the Public Session. *Taylor* announced that items would be added to the meeting agenda as a result of the Executive Session.

## Should pre-ASBOG exams be accepted by OSBGE?

The Board then began a discussion of the language adopted by the State of Washington (RCW 18.220.100) in which pre-ASBOG exams administered in Oregon, Idaho and California are considered for Washington licensure. *Yinger, Weick, and McConnell* agreed to a similar policy for Oregon. *Humphrey* opposed the change as he believed it would lead to accepting exams from all states and any knowledge of other state's exam is based on hearsay. *Taylor* offered that he is okay with the Board's current position of requiring the ASBOG examination for registration. *Heinzkill* had no comment. *Taylor* inquired of all members again. *Yinger, Humphrey, and Taylor* favored leaving the current requirement of the ASBOG examination. *Weick and McConnell* concurred with changing the current Board position. *Heinzkill* had no opinion. *Taylor* concluded at this time that applicant to Oregon for geology registration must document a passing score on the ASBOG exam.

At 1:15 PM, *Taylor* announced a 10-minute break.

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1. The meeting was called to order by Chair Stephen Taylor at 1:33 PM. No guests were present to welcome to the meeting.
2. The following additional agenda items were presented:
  - a. 2. February Retreat Minutes
  - b. 9. Old Business, e. Response to AC 09 10 232
  - c. 10. New Business, c. Yinger Review of DEQ Soil Matrix Rules
  - d. 10. New Business, d. Consideration of felony statement to annual renewal form
  - e. 10. New Business, e. Corp of Engineers stamping requirements
  - f. 12. Announcements, d. Supreme Court Case
  - g. 12. Announcements, e. ASBOG Call for Nominations

*Taylor* moved to approve the agenda with the addition of the above items. *Seconded. Heinzkill, yes; Humphrey, yes; Taylor, yes; Weick, yes; Yinger, yes. Motion approved.*

The Chair acknowledged the arrival of a guest. The Board introduced themselves.

*McConnell* moved to approve the minutes of the December 4, 2009 meeting as presented. *Seconded. Heinzkill, yes; Humphrey, yes; Taylor, yes; Weick, yes; Yinger, yes. Motion approved.*

*Heinzkill* moved to approve the February 6, 2010, Retreat Summary as presented. *Seconded. McConnell* thanked Knight for the good job of pulling together the work of the retreat. *Heinzkill, yes; Humphrey, yes; Taylor, yes; Weick, yes; Yinger, yes. Motion approved.*

### 3. Administrator Report

**a. Summary of Staff Activities:** Knight directed the Board to the Summary of Staff Activities since 12/4/2009 (AR 2010-1) and pointed out the three SIBA meetings that convened in November, December and January. The group met an additional time in December because the biennial financial audits were not yet complete. The audit is a critical component in the statutorily mandated

Semi-Independent Board's Biennial Report and the group discussed alternatives for meeting the December 31 deadline for the biennial report. Because the draft audit was complete for OSBGE, that document was placed in the biennial report. Knight noted that a copy of the Biennial Report was provided to each Board member today and the report is listed under New Business. *Taylor* inquired if there was a vetting process by the Board before the document was submitted. Knight stated that there was not. *Taylor* requested that such a process occur for future reports. Knight offered that this was a good suggestion and that perhaps this could be addressed in the Bylaws.

Knight also discussed the renewals numbers as presented in the summary information and noted that the non-renewal rate for December was 12%, the highest so far, but also noted that six new registrants were added and two registrants reinstated which somewhat offset those not renewing.

**b. Updated Revenue/Expense Report for Current Biennium:** The Board reviewed the Biennial Revenue & Expense, Budget vs. Actual as presented and Knight reminding the Board that this is the comparison of the 2007-09 budget to the current budget as well as the expended amount in the current budget cycle. *McConnell* inquired about the over budget payments for Government Services, Out of State Travel, and Training. Knight responded that the 2009-11 budgeted amount for the audit was approximately \$6000, a 50% increase over the prior biennium anticipating that it would be a sufficient increase. It was not; the audit to date has totaled \$10,176.75 which includes charges from both the auditor Moss Adam and the Secretary of State office which facilitates the contract and posts such financial audits on its website. This is approximately \$4000 more than the budgeted charge. *Humphrey* inquired if this was the final total. Knight indicated that she is hopeful, but sometimes additional charges can occur from the Secretary of State. Knight then responded to the question about out of state travel reminding the Board that although all ASBOG related travel was cut from the budget, the Board determined that if the carryover dollars from 2007-09 biennium allowed, the Board should be represented by newest Board Member *Mark Yinger*. *Yinger* did attend the Birmingham, Alabama national meeting and Council of Examiners in November 2009. The cost of participation is represented in both the registration fee posted as a training expense and the out of state travel expenses. *Taylor* noted that he calculated the total expenditure to date and the Board is 67% through the first year of the biennium with most line items at approximately 65% expended.

**c. Check log:** The Board discussed the check log presented. *McConnell* asked about check #3117 issued to Susanna Knight for meals indicating that these types of payments raise red flags. *Taylor* stated that he signed the check as it was reimbursement for the Subway sandwiches purchased for the retreat lunch. *Taylor* asked about the lobbyist work product for check #3077. Knight indicated that she received a summary letter and would provide that to the Board. *Weick* moved to approve the check log from November 23, 2009 to February 19, 2010 which includes checks #3073 to #3123 and #9119 to #9122. *Seconded. Heinzkill, yes; Humphrey, yes; Taylor, yes; Weick, yes; Yinger, yes. Motion approved.*

**d. 3-Year Comparison of Changes in Monthly Renewals:** *Taylor* reported that he calculated the non-renewal total for 2009 based on this chart and the rate was 5% which coincides with the amount of reduced budget dollars calculated for income in the 2009-11 budget. He noted that the graph reveals a drop in renewals for the larger renewal months of May, October, November and December but not in the months with smaller renewal numbers.

**e. Update on Edward Jones CD Balance:** The Board noted the CD balance of \$70,183.10. Knight stated that the CD that matured on 3/1/2010 would be increased by \$1,000 from the Cash ending balance under the Summary of Assets. *Weick* inquired about purchasing 24-month CDs with higher interest rates. Knight reminded the Board that the semi-independent statute ORS 182.470(2)(b) requires a maturity date of not to exceed 18 months as described in ORS 294.135 (1).

**4. The Chair announced a five minute break at 2:10 P.M.**

**5. Compliance Report:** *Heinzkill* reported on updates to the current cases presented in his written reports as follows:

**a. CC#08-04-008:** Complaint is that an Oregon RG stamped fraudulent work in Arizona with an Oregon stamp. The Arizona Board of Technical Registration is in contact with the respondent. Oregon is awaiting the outcome of that decision.

**b. CC#10-01-002:** Complaint against an Oregon RG that payment for work was not forthcoming. Complainant asks the Board to "make a note of this complaint" and that requests for "opinion regarding X's professionalism that this complaint be duly noted." *Heinzkill* stated that this case appears to be about business practice. *Taylor* noted that the Board is not into business practice issues. *Heinzkill* offered that the complaint arrived on an official form so the Compliance Committee (CC) thought it should be reviewed. The CC just heard from the respondent.

**c. CC#10-01-003:** Complaint is that person indicated on an EMPLOYMENT VERIFICATION FORM (EFV) completed on behalf of an applicant for the ASBOG practice examination that he is an RG, but his RG registration expired in 2000. *Heinzkill* reported that there is not a recommendation at this time as stated in his report. The CC must complete another step. *McConnell* inquired if this was an investigation step. *Heinzkill* responded that some facts must be verified.

**d. CC#10-01-004:** CEG working outside scope of practice. *Taylor* inquired if this case was under review by the Joint Compliance Committee. *Heinzkill* stated that it is and that Technical Reviewers have been located to evaluate whether a Certified Engineering Geologist was working outside his scope of practice.

**e. CC#10-01-005:** Complaint that reports containing geologic work submitted to the DEQ were not stamped or signed properly by an Oregon RG. *Heinzkill* had no updates on this case.

Two additional compliance items followed. *Heinzkill* asked to withdraw a February 19, 2010 request titled MEMO ON BEHALF OF AN APPLICANT which was included in the Board packet.

The TECHNICAL REVIEWER EVALUATION FORM was presented for discussion. *Taylor* reminded the Board that the Compliance Committee [CC] had "tweaked" the form to include certain information in a compliance review and questioned if this was appropriate. *Heinzkill* asked if *Taylor* was suggesting that these become a permanent part of the form. *Taylor* clarified that he would like the Board to determine if customizing the form on a case by case basis is acceptable and asked each member to weigh in on his/her position. *Heinzkill* stated that the CC should have the option to add items such as fraud, deceit, etc if these terms are used by the complainant. *Yinger* stated that he was not clear about this and *Heinzkill* explained that the CC added additional items to the Technical Review form to represent the particular complaint language of fraud, deceit, etc. *Taylor* suggested that the reviewer can locate those items on their own from the OAR and ORS and match them to the complaint. *Weick* stated that he is not in favor of customizing the form as it has not yet been tested. The adopted form gives the reviewer the opportunity to present whatever he/she wishes. *McConnell* and *Humphrey* were not in favor of customizing. *Knight* asked if the customized language could be added to the form with the statement "If applicable,,". *Taylor* offered that he was not in favor of changing up the form as customizing adds a variable. *Taylor* went back around the Board and all except *Heinzkill* were opposed to customizing. The Board then agreed to amend #4 of the template by adding "Please refer to the attached ORS and OAR" after the words "Provide a bulleted

summary.” The Board concurred with this revision to the form. *Taylor* commended *Heinzkill* for the improvement to the compliance process.

## 6. Committee Reports

### a. Administrative Rules: *Yinger* reported on two Administrative Rules currently under review:

- OAR 809-030-0024: Qualifications for Examination. This revision is intended to implement ORS 672.555(4) so that applicants are clear that a university transcript must validate the 45 hours of required geological coursework. If an applicant graduated from an accredited college or university with a major in geology, engineering geology, geological engineering or a related geological science, the transcript must validate the 45 hours. A discussion ensued about the order in which rule changes are vetted. This change was proposed to the Board but not yet reviewed by the Rules Advisory Committee (RAC). The Board suggested that any change should be first discussed with the RAC and the final draft reviewed by the AAG before it comes to the Board.

- “in responsible charge”: *Yinger* reported that he reviewed pages of input from the Board’s Counsel. Forms of this wording are used throughout the Administrative Rules and all those uses would be equated to the use in the current law. He continued that the intent of the definition is not about practicing, but rather to define what a subordinate is. *Humphrey* offered that the definition is fine, that to get credit, work must be done under supervision. *Weick* offered that “in responsible charge” does not apply to geologists working in Oregon unless they are in the exempt category. *Taylor* offered that moving forward, there is more work to do with this. *McConnell* commented that it appears as though there is inconsistency in its current state.

Board Members thanked *Yinger* for taking on the Chair of the Rules Committee and recognized that there are many issues to address at this time.

### b. Joint Compliance Committee (JCC): *Weick* distributed a summary report of the December 15, 2009 meeting of the committee as well as the draft meeting minutes. He stated that the JCC continued its healthy discussion; revisited the Memorandum of Understanding; confirmed that the three questions used as the starting point remain valid; and had a lengthy discussion about design. *Taylor* questioned that he thought the intent of the JCC meeting was to discuss the Brookings issue but the minutes appear to spend much time on the topic of the practice. *Weick* stated that the Engineering Board will investigate the work in Brookings, but the Geology Board will take the lead. *Knight* offered that the Geology Board is also evaluating the practice issue. *Heinzkill* inquired about working outside the scope of practice to understand if there are other arenas in geologic practice where overlap exists. The Board confirmed that this is the primary overlap.

### c. Legislative: *McConnell* reported on two items:

- The Special Session of the Legislature just ended. Three bills passed through the session that will have a minor affect on the Board: SB 1014 [changes Biennial Report due date for SIBA Boards from 12/31 of the odd year to April of the even year to allow time for completion of the required financial audit/review]; HB 3696 [an omnibus bill at end of session allowing telephonic meetings]; and SJR 41 [ballot measure to amend Oregon’s Constitution for annual meetings of the Legislature].

- The last day to submit a Legislative Concept to DAS is 4/9/2010. The concept and language must be vetted through the Board’s AAG and Policy Advisor. The Board then reviewed the draft immunity language and concurred with the Administrator’s draft. *Taylor* directed that this language

not be changed. *McConnell* reminded the Board that it is hard to know how it will come out of the Legislative Counsel. The draft goes to DAS as a concept. The Board requested to review the argument on behalf of the concept.

**d. Outreach:** *Taylor* stated that the Board had a very informative presentation from the Executive Director of the Teacher's Standards and Practices Commission (TSPC) during the morning Work Session. The lead article in January's newsletter was a summary of the activities over the past two years with the Department of Education's Science Curriculum Committee. The purpose of today's presentation was to understand how the new science curriculum standards that school districts can adopt relate to the teaching endorsements established by the TSPC.

**e. Professional Practice:** *Humphrey* had no updates.

**f. WA/OR EG Examination Update:** *Humphrey* suggested that with the close of the Oregon/Washington Task Analysis effort, for future meetings, the examination update information can occur during the Administrator's Report.

## 7. Correspondence

**a. AC 09 12 280:** Knight directed the Board to the three bulleted items in the third paragraph of Moss Adams' Audit Letter where items were identified for strengthening internal controls of the office. Knight stated that staff has implemented an in-house email to one another stating the monthly time-off to address bullet one. *Taylor* interjected that the staff timesheet is already signed off on monthly by the Board Chair. The receipt for a Board retreat reimbursed lunch expense was missing and this resulted in bullet two. And the third bullet represented one registrant's late fee that was incorrectly posted in the database. Staff responded to *McConnell's* inquiry explaining that it was a human error and was corrected. The SIBA group is discussing the material weakness, which Moss Adams found in most SIBA audits, to identify a way to resolve this need for a financial review of internal control by a Government Certified Auditor before the audit is completed by another Government Certified Auditor.

Chair *Taylor* asked the guest if he wished to speak to the next piece of correspondence. The guest declined.

**b. AC 10 02 045:** This email correspondence from an examination candidate requested a numerical score for the EG exam. Because the purpose of the exam is to establish minimum competency, Knight stated that the Board has issued a pass or fail score for some years. However, the candidate pointed out that the current OAR 809-040-0011 states that "the Board will notify applicants by mail of their examination scores." *Weick* stated that from a lay person's perspective, he thought the Board did issue scores. If the candidate was a fail, how would they know to challenge the examination? The Board then reviewed the OAR 809-040-0021 about the appeal process which states that an applicant who does not pass the examination may request rescoring of the examination. Knight shared that after the exams are scored, if a candidate is within 5 points of the cut score, a thorough review of all missed questions for that candidate occurs to determine that answers were all properly scored. This is done before the results are released. *Weick* again stated that without a score, how would a candidate know if they would want to appeal?

*Taylor* summarized that there are a couple of issues: 1) definition of score; 2) individual request for score; 3) ASBOG exam report style and Oregon's CEG exam report style. He inquired if it is possible to align these two styles and break out the content area as is provided with the ASBOG results. *Humphrey* and *Weick* concurred that the score cannot be broken out by tasks. *Taylor* stated that the Board must be consistent and there is a request for information. *Weick* observed that the policy has been a pass/fail score. *Taylor* asked if the Board wanted to change that. *Humphrey* offered that OSBGE would have to do what ASBOG does but we do not have the resources. *Knight* noted that Oregon must consider the Washington process since it is a joint test. Perhaps the states should be consistent. *Weick* added that two individuals have the perception that the score means a number. *McConnell* interjected that the Board interprets what "score" is. *Taylor* offered that the Board needs to be aligned with the OAR and with the State of Washington. *Humphrey* concurred. *Weick* suggested that Oregon align with Washington. *McConnell* summarized that the response to the two correspondences would be that they have the "score" the way the Board currently delivers it. *Humphrey* said that if Washington is providing a number score, than Oregon should follow. *Taylor* offered that OSBGE must check this and also asked if the Board is okay with the ASBOG results. *Knight* reminded the Board that these are the types of inquiries that drive changes to the Administrative Rules. *Heinzkill* added that the Board will review Oregon's current policy in conjunction with the Washington Geology Board.

*Public Comment:* The guest asked to comment indicating that he wanted to hear the discussion of his inquiry before commenting. He offered that his research revealed that 90% of definitions of "score" use a number and argued that in the strictest sense, a "score" would be a number. He offered that the Board issued letter providing exam information states "results of your CEG"; the Administrative Rule uses the word "score". He added that he had asked that the Board's Counsel be present as he anticipated that "score" would be the heart of the matter. If the word "results" rather than "score" had been in the OAR, he would not have raised the issue.

*Humphrey* offered that he agrees that a score would be a number. But the Board must do the first step and inquire of the Washington Board so that both states are consistent. *McConnell* stated that different tests have different cut scores; it is not an absolute straight line. *Taylor* reminded the group that the exam is testing minimum competency, not assigning a grade. A candidate must "jump the hoop" to become registered and the Board must add to its "To Do" list a review of both the current practice and the Administrative Rule.

**c. AC 10 02 051:** This notification from ASBOG informed the Board of a \$50 increase in the practice exam fee effective March 2011. ASBOG also informed the Board that effective 1/1/2012, the annual dues will increase to \$4500.00. The membership billing will be issued July of 2011. This increase in annual dues will be incorporated into the 2011-13 biennial budget.

**d. AC 10 02 056:** An exam candidate was unclear about not receiving the engineering geology exam score. The email directed the Board to OAR 809-040-0011 and inquired of its interpretation of this OAR. The Board discussed this question under b. above. Additional review of this question will be conducted.

e. **AC 09 10 232:** The Board sought Counsel to determine if there is statutory authority to discipline this registrant for a felony. The Board does not have statutory authority to discipline this registrant as the conviction was unrelated to the practice of geology.

The Board then had a “procedural discussion” and determined that correspondence presented in a meeting that requires follow-up research and consultation will come back at a subsequent meeting as an agenda item under Old Business.

**8. Break / Visitor and Board Introductions:** No additional visitors were present.

## **9. Old Business**

a. **Action List:** The Board identified numerous completed items and it was noted that the outstanding Administrative Rule issues should be reassigned to *Yinger*. Staff reminded members to review the list and complete any assigned items.

b. **Complaint Process Flow Chart:** Knight thanked *Yinger* for the completed flow chart document. It was noted that the Technical Reviews are issued to both the Board’s Attorney and the Compliance Committee and the arrow should be a one way arrow from the Technical Reviews to the Compliance Committee. With that revision, the Flow Chart is complete and can now be posted on the website.

c. **Consideration of a Community Bulletin Board in the OSBGE Examiner:** *Taylor* asked each Board member to express an opinion about adding a component to the current newsletter in which geology items could be posted. Members were concerned about how such a bulletin board would be policed and agreed that this is not something they would want to implement at this time. *Weick* offered that it could be needed at a future date, especially if a continuing education component were added.

d. **Oregon Licenses, Permits & Registration Directory:** *Taylor* explained that the information presented is located on the state licensing portal which contains information about all licenses, registrations, etc. issued in the state. The information the portal is separate from the Board’s web site. He asked the Board to review his revised language and offer additional suggestions. The Board discussed the language and offered a few changes. The word “licensed” was changed to “registered”. The description for Registered Geologists was tweaked with input from all members. The final language will be submitted for updating to the portal.

## **10. New Business**

a. **Temporary Permit follow-up:** Knight brought the temporary permit application to the Board to seek input about whether the work described in the permit, a mineral appraisal, required a geology registration. *McConnell* offered that doing a mineral’s appraisal is a geologist doing something. The Board concurred that resource evaluation is the practice of geology and would require a permit. The permit applicant also suggested that a Temporary Number be assigned so that a state number could be referenced in the final report and the cover letter. The Board concurred that a numbering system for temporary permits should be set up.

**b. Biennial Report of the Board:** Knight directed the Board to the 12/31/2009 published document distributed earlier in the meeting. This report is statutorily required and must be distributed to the Governor, the President of the Senate, the Speaker of the House and the Legislative Fiscal Office. *Taylor* asked that in the future, this report be presented for review by the Board before being submitted. He asked the one-half hour at the next Work Session be allotted for discussing the information.

**c. Yinger Memo of SMCS Inquiry:** *Yinger* prepared a memo which addressed each of the items raised in correspondence AC 09 12 250 from a registrant which was presented at the December meeting. He indicated that he has always been uncomfortable with OAR 340-122-330 as the rock identification allowed for a Soil Matrix Cleanup Supervisor (SMCS) goes beyond common and simple earth materials description used by the general public and into the practice of geology. *Taylor* invited each member to provide input. *Heinzkill* had no comment. *Taylor* saw work in a compliance review one time that appeared to have the practice of geology. *Humphrey* stated that water drillers are of concern to him. *McConnell* offered that *Yinger* presented good comments. *Weick* informed the Board that DEQ licensing is in place to assure compliance with DEQ rules. Any professional would have to have a license to do this work. *McConnell* inquired as to the qualifications for sitting for the test. *Weick* responded that test takers must study DEQ rules and laws to pass the test. When contaminate groundwater plumes, DEQ requires a registrant. DEQ testing assures compliance. *Yinger* stated that OSBGE would not interfere unless geology is being practiced. *McConnell* concurred with the last paragraph in which DEQ need to be alert to geology work and reject work that is not sealed by an RG or CEG. *Weick* offered that the tanks program requires an RG when underground water is an issue. *Taylor* stated that the gatekeepers at DEQ are Registered Geologists. *Yinger* responded that a Registered Geologist friend emailed recently that his arguments were rejected by a non-registrant at DEQ.

**d. Consideration of a felony statement to annual renewal form:** *Taylor* stated that he reviewed samples of renewal statements that included felony statements and asked staff to draft a statement for the annual renewal form similar to number 2 through 6 on the Architect renewal form. The Board can review this at the next meeting.

**e. Corp of Engineers stamping requirements:** This item was tabled to the next Board meeting.

**11. Public Comment:** No public comment was provided.

## **12. Announcements**

**a.** The next Board Meeting is scheduled for June 11, 2010, at the Board office in Salem.

**b.** ASBOG Exams will be administered tomorrow, March 5, 2010 at the Board office. Staff will proctor the exam.

**c.** The Engineering Geology Exam will be administered tomorrow, March 5, 2010, at the Board office. Board Member *Weick* will proctor the exam.

**d.** ASBOG has requested nominations for the position of Secretary. Staff will forward the electronic request to all Board Members.

**e.** Tomorrow at 10:30 AM, the Supreme Court will convene in Eugene, Oregon to here the Coffey versus OSBGE case. Public Member *Heinzkill* will be present to hear the presentations.

**13. Adjournment:** Chair *Taylor* adjourned the meeting at 5:07 PM.

Respectfully submitted,

Susanna R. Knight  
Administrator