

**MEETING MINUTES**  
**OREGON STATE BOARD OF GEOLOGIST EXAMINERS**  
**Conference Room, Sunset Center South, Salem, Oregon**  
**June 2, 2006**

*Members Present*

Christopher Humphrey, RG, CEG  
Vicki McConnell, Ph.D., RG, State Geologist  
Allen Morris, Public Member  
Gary Peterson, RG, CEG Board Chair  
Steve Taylor, Ph.D., RG  
Eileen Webb, RG, Vice Chair  
*Staff Present:*  
Susanna Knight, Administrator

The Board meeting was preceded by a 9:00 AM Work session. All Board Members were present. *Knight* announced that Michael Carrier, Natural Resources Advisor to the Governor, would be unable to meet with the Board today. He has been rescheduled, this time to the September Board meeting date.

The Board was joined by Assistant Attorney General (AAG) Tom Cowan, who represented the Board's case in the May 24 & 25, 2006, registration revocation hearing. At 9:06 AM, Chair *Peterson* read the following statement:

"The Board will now meet in executive session for the purpose of reviewing documents 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, we will return to open session and welcome the audience back into the room."

At 10:40 AM, *Peterson* stated that the Board would now return to an open session. He then announced that the Board would convene again when the Administrative Law Judge's (ALJ) Findings from the revocation hearing are available. AAG Cowan stated that, due to the size of the record established in the hearing, the Findings would probably require a 60-day period rather than an established 30-day period. Because Contested Case deliberations are exempt from public participation, the Board will convene in Executive Session to deliberate on the Findings.

- *McConnell* facilitated a discussion about ongoing issues initially raised in the Coastal Processes and Hazards Working Group's November gathering and again in a follow-up meeting in May. *McConnell* reiterated that the Board's DISCLOSURE DOCUMENT should be presented to all Planning Department Heads for cities and counties in Oregon. She also requested that the document be inserted in the next Board newsletter. The participants in the Coastal Processes and Hazards Working Group expressed concern about how to identify

qualified professionals, and they discussed developing a special “coastal certification” to be granted by an undetermined agency to qualified individuals indicating these individuals had coastal process experience. It is not clear how this certification may or may not be integrated with the current geologist registration laws. The Board concurred that the Coastal Planners must become more aware and knowledgeable in evaluating the report quality of geology work. Other ideas brainstormed by the Board included: developing a model code for local review processes; creating a coastal commission to serve as a review board; establishing a roster of qualified coastal processes consultants. Cities and counties of the coast must determine how to deal with this issues but OSBGE would be willing to assist the process by reviewing pre-qualification standards for coastal practitioners. A coastal guideline section is needed for the Board’s publication, Guidelines for Engineering Geologic Reports. *McConnell* stated that the Governor’s office has an ongoing interest in this Coastal Processes and Hazards Working Group.

**The Board then began a working lunch.**

- *Humphrey* asked for input on THE WHITE PAPER draft distributed for discussion. The Board concurred that it is much improved over the previous version, and the development of a Table of Contents will make navigating through it much easier. Additional suggestions were offered. Due to the lateness of the work session, *Humphrey* asked Board members to have their comments to him electronically by August 1. The Board will then review the document on the September Board meeting date.
- *Peterson* directed the Board in a discussion of the draft of the Legislative Concept prepared by Legislative Counsel (LC). He stated that AAG Martin would join us at 1:30 PM to discuss the document, but that the Board should hold some preliminary discussions to determine issues to direct to the AAG;

The Board meeting was called to order at 1:07 PM by Chair Gary Peterson in the Conference Room of Sunset Center South, Salem, Oregon.

I. **AGENDA APPROVAL:** The agenda was approved with two additions:

- *McConnell* requested to add Item VI. C. Report on ASBOG Trip to Houston, Texas.
- *Humphrey* requested the addition of Item VI.D. Washington CEG Draft Guidelines.

*Webb* moved to approve the agenda with the two modifications. *Seconded and passed.* *Humphrey, yes; Morris, yes; Taylor, yes; Webb, yes.*

II. **MEETING MINUTES:** Approval of the 3/9/2006 Meeting Minutes was deferred to the next Board meeting, as Board Members were without copies of the draft minutes.

III. **ANNOUNCEMENTS:** The Board agreed that all volunteers of the Board should be invited to join in the informal Annual Board Picnic, July 22, 2006. This is a “potluck” picnic to be held at the William Orr farm. Board Committee Chairs will provide invite information with their respective Committees. Invitations will also be issued to AAG Chute, Cowan, and Martin.

#### IV. REPORTS

##### A. OFFICE REPORTS

1. *Knight* distributed her office report AR2006-01, including a summary of staff activities since 3/9/2006. She pointed out numerous items to the Board including:

- The copy of the Statesman Journal article about the increasing demand for geoscience graduates;
- The 100% pass rate on the Association of State Boards of Geology (ASBOG) practice exam administered March 6, 2006;
- Three new CEGs added to the Board roster;
- Renewal figures holding up; and
- Need for Board Members to provide newsletter articles about the work of RGs and CEGs as it relates to Oregon counties and cities. *McConnell* stated that DOGAMI could provide an article on LIDAR for the October newsletter.

2. *Knight* distributed reports on the budget status for 2005-2007. As of May 25, 2006, the Board has revenue over expenses of \$17,334.39. *Knight* answered numerous questions about the posted figures and stated that a New Business item will address a budget request.

1:30 PM AAG Kyle Martin arrived to discuss OSBGE's Legislative Concept #616 drafted by LC for the 2007 session. The deadline for providing onetime only revisions to the draft is June 14, 2006. The goal of the new language under "Charges against geologist" is to broaden the Board's ability to deal with complaints.

- AAG Martin provided additional language for Section 2.(1)
- The Board concurred that the summary of the bill should strike "complaints of".
- In Section 2(2), remove three words.
- Under Section 2 (3), at the beginning, add "In addition to any other immunities provided by law,".
- Under Section 3, page 2, line 4 add "or has been" but confirm with LC about inserting such language.

AAG Martin also shared his research about the Board's "authority after expiration". OSBGE does not have such authority. Martin stated that the language in rule about reinstating lapsed licenses should be characterized as a restoration of an expired registration, if reinstated within five years, but not as a reinstatement. In the case of an application, the Board would deny application, not refuse to renew.

AAG Martin distributed ORS 673.697 language titled, "Continuing Authority of Board". Adding this language to the statute would allow the Board to deal with an expired registrant within the 5-year window of renewing an expired license.

*Webb* moved that the Board submit additional language to LC 616 to allow "Continuing Authority of the Board" along with the revisions discussed earlier. *Seconded and passed. Humphrey, yes;*

*Morris, yes; Taylor, yes; Webb, yes.*

The Board instructed *Knight* to make the revisions as discussed and resubmit within the 14 calendar days as required by LC for draft legislation. AAG Martin departed at 2:45 PM.

## **B. COMMITTEE REPORTS**

1. **CEG Examination Committee:** *Humphrey* had no new information to report.
2. **CEG Guideline Committee:** *Peterson* had no new information to report.
3. **Compliance Committee:** *Morris* distributed a list of current cases under review and reported that two new cases were added since our last meeting.
4. **Geology Report Guideline Committee:** *Webb* reported that the following committee members are assembled: Wayne Adams, Hart Crowser, Inc., Edmonds Washington; Craig Arola, Vista Engineering Technologies, LLC, Kennewick, WA; Jennifer Berry, City of Portland, Bureau of Environmental Services; Ken Cameron, Oregon Department of Environmental Quality; Terry Crotwell, Cambria Environmental Technology, Everett, WA; Corky Isselhardt, retired, Colorado; Laura Maffei, Schwabe, Willamson, Wyatt, Portland, OR; Catherine Roso, Alaska Department of Transportation. Scheduling a kick-off meeting is the first order of business. *McConnell* commented that this is a great committee.
5. **Legislative Issues:** *McConnell* stated that the Legislative issues were covered with AAG Kyle Martin earlier in the meeting, but the Board members should try to determine which Legislative committee will hear testimony so members can begin making contact with committee members to explain the legislation.
6. **MOU Joint Compliance Committee:** *Peterson* reported to the Board that on May 6, 2006, he and David Michael represented the Board in a JCC follow-up meeting with a CEG registrant that was the respondent in past complaints filed with OSBEELS. An additional meeting with a second CEG registrant was scheduled for June 6, 2006. During the meetings, discussion of practice issues and concerns were aired. A letter to each registrant would be issued following these meetings and conclude cases CC#06-01-001 and CC#06-01-002, in accordance with the findings and recommendations of the JCC committee.

In a second action, *Peterson* requested Board approval of two LETTERS OF CONCERN that would be issued to close out cases CC# 99-01-002 and CC#01-07-006. Both cases were previously closed by OSBEELS due to “lack of authority” but were of concern to OSBGE because the geologic practice by Professional Engineers was believed to not meet the standards expected of Registered Geologists.

- *Webb* moved to issue a LETTER OF CONCERN to Steve Luxton, PE, with two changes to the draft: page 1, third bullet, change pump to aquifer; and add Oregon Department of Agriculture to the distribution list. *Seconded and passed. Humphrey, yes; Morris, yes; Peterson, yes; Taylor, yes; Webb, yes.*
- *Webb* moved to issue a LETTER OF CONCERN to Lee Brennan, PE, as presented. *Seconded and passed. Humphrey, yes; Morris, yes; Peterson, yes; Taylor, yes; Webb, yes.*

7. **Outreach Committee:** *Taylor* distributed a “first cut” matrix of various professionals and the multiple practice arenas of these professionals. A discussion ensued about the various categories, and Board members were asked to evaluate the matrix and devise a coding or ranking system or an organization of tasks. The matrix will be revisited at the September 2006 Board meeting. *Taylor* also shared that he had solicited the volunteer support of the Western Oregon University graphics department in developing a brochure and poster materials that the Board could use in outreach activities. WOU graphics arts department agreed to offer assistance, and their support is gratefully acknowledged.
8. **Professional Practices Committee:** *Humphrey* requested that additional suggestions to the draft WHITE PAPER should be submitted to him by August 1, 2006. A final draft would be established by the September 2006 Board meeting. Discussion also ensued with regards to a Continuing Education requirement. *Humphrey* was not aware that support is found in various areas for the concept, but obstacles exist. Research will continue on this issue.
9. **Rules Committee:** *Webb* directed the Board to
  - OAR 809-050-0000, the language regarding the seal, and the email discussion about an “original” wet ink signed document. The Board concurred that a wet signature verifies that the registrant completed the work and that there is an expectation that a wet signed copy should exist. However, the statute and rules do not explicitly require a wet inked signature, and it is the registrant’s responsibility to manage the application of their stamp. Consequently, an RG/CEG may use an electronic signature with an electronic seal.
  - OAR 809-003-000, Definitions. A list of suggested changes was distributed at the last meeting. *Knight* stated that ASBOG is actually named the National Association of State Boards of Geology as pointed out on the 2005 ASBOG Annual Meeting Book, but when ASBOG added “national”, the acronym did not change. *Morris* moved to approve the revised definitions as discussed with one modification to the ASBOG definition. *Seconded and passed.* *Humphrey, yes; Morris, yes; Peterson, yes; Taylor, yes; Webb, yes.*

V. **Correspondence:** *Knight* stated that the letter from the State of Nebraska Board of Geologists to the National Water Surveying (NWS) company in Chehalis, Washington, informing them that geology is regulated in Nebraska alerts the Oregon Board that NWS has also been practicing unlicensed geology in Nebraska.

## VI. New Business

- A. **Stream Restoration and Watershed Assessments:** *Chair Peterson* stated, due to the late hour, and the need to discuss the next agenda item, that this discussion would be tabled until the next meeting.
- B. **Addition of half-time position:** *Knight* distributed a document outlining the Personal Services (staff) budget for the 2005-07 Biennium. Included was a projection for the remainder of the biennium, should the Board agree to add a half-time staff position for the duration of the biennium. Justification of need for the new position is simply that the current workload for both boards

exceeds the 1.5 FTE staff. The two boards were previously administered by 2 FTE administrators. The additional cost for the Geology Board, in paying half of the cost for year two of the biennium to add 0.5 FTE, is estimated at \$11,718.00. *Knight* stated that the Landscape Architect Board (OSLAB) had discussed this same information, but would hold a Special Meeting after a job description is prepared. *Knight* explained that the Board currently has 1.5 FTE. Although she had anticipated that the work of both Boards could be handled by this FTE arrangement, the workload had been greater than what was projected and it has been very difficult to keep up. Concern was expressed about the long-term implications of adding this position. *Knight* clarified that the current employee at 0.5 FTE has the qualifications for the new 0.5 FTE position. *Peterson* stated that the Board has an additional \$21,000 accounts receivable due from OSLAB to offset the additional expense. *Knight* stated that the current actual budget expenditure was below projected expenditures, so that a revised budget and hearing were not anticipated. However, this could change depending on the revenue side. *Morris* moved to add a 0.5 FTE as proposed at an additional \$11,718 to fund a limited duration position to the end of the 2005-07 biennium (6/30/2007) and contingent on OSLAB agreeing. *Seconded and passed. Humphrey, yes; Morris, yes; Peterson, yes; Taylor, yes; Webb, yes.*

**C. Report on ASBOG COE Meeting in Houston, Texas, McConnell & Taylor:** Due to the late hour, *Peterson* tabled this report for the next Board meeting.

**D. Washington CEG Guidelines, Humphrey:** Due to the late hour, *Peterson* referred this discussion to a committee of *Humphrey, Knight, and himself.*

#### VII: ITEMS FOR BOARD ACTION

**A. Approve Check Log:** *Knight* stated that she had forgotten to pull that document beginning with check #2362 and would provide it for the next Board Meeting.

**B. The White Paper:** Action was taken on this item during the Professional Practices Committee Report.

VII: **PUBLIC COMMENT:** No public was present.

*Taylor* moved to adjourn the meeting at 5:12 PM. *Seconded and passed. Humphrey, yes; Morris, yes; Peterson, yes; Taylor, yes; Webb, yes.*

Respectfully submitted,

Susanna R. Knight  
Administrator

Minutes of the June 2, 2006 Board Meeting were approved as presented at the September 14, 2006 Board Meeting.

Susanna R. Knight, Administrator