



Oregon Geologist Examiner

March 2002

Official Publication of the Oregon State Board of Geologist Examiners

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Administrator

Jane F. Feinberg, RG, CEG

Design Editor

Next Board Meeting:

March 11, 2002

9:00 AM Work Session

1:00 PM Rulemaking Hearing

Board Meeting directly
following the Hearing

The Association Center, Salem
Conference Room A

Governor Makes Appointment to the Board

The long-awaited announcement is here. The newest Board member is Eileen L. Webb, RG. For 12 years, Ms. Webb has been employed at AMEC Earth & Environmental, Inc. (Portland) as a Project Manager/Geologist, conducting site characterization, corrective measures studies, regulatory compliance, permitting, groundwater explorations, and remedial investigations.

Ms. Webb is not a stranger to volunteer service. She just started a 4-year term as Planning Commissioner for the City of Tigard. As a First-Class lifetime member of Girl Scouts USA, Ms. Webb has volunteered thousands of hours at the troop, regional, and council level. In addition, she has volunteered with Habit for Humanity, the Northwest Women's Shelter, Oregon Public Broadcasting, and OSU Extension. She believes "it is the responsibility of each citizen to play a role in community improvement and involvement." Volunteering through community service is an integral part of who she is.

She resides in Metzger with her husband Dick and two children (Devin, 6 and Shawna, 14). She spends her "spare" time furthering her skills as a bead artist (sculptural, tapestry, to wear, etc.) and is active with the Portland Bead Society. Weather permitting, she also is an avid gardener and is studying to become a Saké Master through the SakeOne certification program.

Her official appointment for a 3-year term date is effective March 1, 2002. She replaces Audrey Eldridge, RG, who has served the Board since December 15, 1995. (See related article in the December 2001 newsletter.)

Compliance Update

The following actions on complaints were authorized at the December 18, 2001, Board meeting.

A *Letter of Concern* was issued to a Registered Geologist for failure to stamp a report. The registrant questioned his responsibility for stamping since he was working from a remote site, other employees in the company were involved in the process, and he believed he had no control over the release of the report. From the review of the file, the Board's position was that he was the responsible party and should have stamped the document.

The Board voted to issue a *Notice of Proposed Action to Revoke License and Impose Fines*. The registrant has requested a hearing and the follow up action is currently pending.

A *Consent Agreement* was approved whereby a non-registrant who gave public testimony agreed not to publicly practice geology without registration (see related article).

Following the signing of the *Memorandum of Understanding* (MOU) with the Board of Examiners for Engineering and Land Surveying, numerous compliance issues will be officially referred to that office. The MOU is available to read on the Board's website.

Knight Notes

Text for the Rule changes for the March 11th Hearing are located on the website. Please contact the Board office for a copy if you are unable to access the website.

Two states are currently in the grandfathering period for registration: Washington and New Hampshire. Both states will require the national ASBOG examination for registration following closure of the grandfathering window. If you are planning to seek registration in either state, do not delay. Waiting until the last minute may not allow enough time for your application to be processed.

Oregon and Washington Boards have been working together for the past two months in the development of the Certified Engineering Geologist examination. Four Oregon Certified Engineering Geologists and four Washington Certified Engineering Geologist met in Olympia on January 31st and February 1st to begin the process. Four different Engineering Geologists from each state will meet again in Olympia on March 6, 7, and 8 to continue with the process. More information will be included in the June newsletter.

By working together on this examination, registrants passing the examination in one state may seek registration in the other state without sitting for an examination.

It is again time for the Board to prepare concepts for the 2003 Legislative Session. If there are any statute concerns you would like the Board to address, please forward them to the office via mail or email.

Again, a gentle reminder that address changes must come in writing. Do not leave them in the voice message format. Such a change will not be accepted.

Susanna Knight
Administrator



Restoration Fee Changes

Effective 2/7/2002, the \$10.00 Restoration Fee for late renewals is only applicable in the first 90 days. Any renewal postmarked between 90 and 179 days after the renewal date will be assessed a \$50.00 Restoration Fee. Any renewal postmarked 180 days or after the renewal date will be assessed a \$100.00 Restoration Fee.

The Board currently has a five-year window in which a lapsed license may be restored. In addition to the Restoration Fee, all delinquent renewal fees must also be paid to restore a lapsed registration. After five years, the registrant must reapply as a new applicant. If they have not passed the national ASBOG examination, they must do so for registration in Oregon. In addition, they must also pass the Oregon Geology examination. Their former registration number is not reassigned.

Consent Order Signed

At the December 18, 2001, meeting, the Board approved the following Consent Order, and the compliance case was closed.

OREGON STATE
BOARD OF GEOLOGIST EXAMINERS

In the Matter of

Roger A. Hart
Case No. 01-05-004

The State Board of Geologist Examiners (Board) is concerned with public safety and eliminating the unregistered public practice of geology. The Board believes the practice of geology includes, for example, the following actions, when related to public welfare or safeguarding life, health, property and the environment:

- 1) the evaluation and interpretation of geological work performed by others;
- 2) the investigation of geological work; and
- 3) consultation on geological work and geology.

The Board has conducted an investigation of a complaint that Roger A. Hart ("Hart") engaged in the unregistered public practice of geology. The Board has not issued a notice of proposed action alleging that Hart engaged in the public practice of geology while not registered, but is prepared to do so.

Hart admits no culpability, liability, or fault for any alleged violation of Oregon law for the unregistered public practice of geology. All complaints and potential assessment of penalties against Hart are hereby dismissed without imposition of any penalty or determination of fault. In addition, the Board agrees not to pursue any complaint against Hart for tasks performed prior to May 20, 2001, that may include public practice of geology insofar as any such complaint related to Hart's uncompensated participation in a public hearing.

By signing this document, Hart, agrees to comply with Oregon law by obtaining the appropriate signatures and seals of Registered Geologists for work that is considered by the Board and Oregon law to be the public practice of geology.

Hart waives all rights to a contested case hearing or any appeal in this matter.

New Registrants Welcomed

The following Registered Geologists have been added to the Board roster following the last examination.

Craig C. Chase	G1952	1/4/2002
Eric Wayne Garcia	G1956	2/8/2002
Scott Kranz	G1944	1/4/2002
David Lamadrid	G1905	1/4/2002
Jeff R. Schymanietz	G1954	1/4/2002
Mark Edward Stacy	G1953	1/4/2002
Garrett David Weiss	G1955	1/4/2002.

Notice of Proposed Rulemaking Hearing

The Oregon State Board of Geologist Examiners will hold a rulemaking hearing at the following location and time:

The Association Center
707 13th Street SE
Conference Room A
Salem, Oregon

March 11, 2002
1:00 PM

The following rulemaking actions will be considered:

Amend:

OAR 809-003-0000; 809-015-0015; 809-050-0000; 809-050-0010; 809-050-0030

Rule Summary:

The Board is revising the rules to reflect current use of the national Association of States Boards of Geologist examination as the expected exam for Oregon registration. Additional definitions have been added to clarify this. The Board has revised the Public Testimony rule. A few additional housekeeping changes have occurred to reflect the passage of HB 1127 during the last legislative session changing name of registrants from Registered Professional Geologist to Registered Geologists.

Statement of Need and Fiscal Impact

In the matter of the following Board Rules:

Division 3: Definitions 809-003-0000
Division 15: Geologist in Training 809-015-0015
Division 50: General: 809-050-0000, 809-050-0010,
809-050-0030

Statutory Authority: ORS 672

Other Authority: ORS 183, ORS 192,
HB 1127 of the 2001 Legislation

Statutes Implemented: ORS 672, ORS 183.341, 183.355

Need for the Rule(s): To clarify procedure for registration; to align rules with current legislation; to clarify and update the public testimony process.

Documents Relied Upon: HB 2197 which changes registrant title to Registered Geologists. Board Policy of requiring the national examination for registration, input from the Board's attorney regarding the public testimony

Fiscal and Economic Impact: There could be an economic impact to an out-of-state applicant if they never passed the national examination.

Administrative Rule Advisory Committee Consulted?

No; however, all registrants were requested via the September 2001 Board newsletter to give input regarding the public testimony process. All of these rules are available for public discussion in a public hearing. However, some are codifying existing Board policy, and others are implementing current legislative change.

Agreement Reached with Board

An agreement was reached between:

THE OREGON STATE BOARD OF
GEOLOGIST EXAMINERS

and

Thomas S. Horning
CC #00-06-006
808 26th Avenue
Seaside, Oregon 97138

In a Public Meeting of the Oregon State Board of Geologist Examiners held in Salem on September 18, 2001, it was unanimously voted that the Board should establish a *written* agreement with Thomas S. Horning, RG. In such agreement, Mr. Horning, a Registered Geologist with the Oregon Board will:

- work under the supervision of a Certified Engineering Geologist for a minimum period of one year; and
- submit one report per month prepared by Mr. Horning to the Board for review which contains information considered to be *the public practice of engineering geology* which has been stamped by an Oregon CEG ; and
- seek to complete the registration process as a Certified Engineering Geologist in Oregon.

Mr. Horning, representing himself, and William N. Orr, representing the Oregon State Board of Geologist Examiners, signed this agreement.

Knowledgeable Candidates Succeed

On December 7th, the Board administered the Oregon Geology examination. A total of 15 candidates (one in Wyoming and one in Arizona) sat for the examination. This was one of the largest groups to date and it is the first time that all candidates passed the examination. Congratulations to those candidates for their successful effort.

Board exams are again scheduled for March 15th at the Salem Board office. Individuals wishing to sit for the June Oregon Geology examination must have application materials post-marked by May 10. Application packets for the next national examination must be postmarked by July 1, 2002.

**Oregon State Board of
Geologist Examiners**
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Lapsed Licenses

The registration of the following individuals lapsed during the fourth quarter of 2001.

Abshier, Shirley Ann, G305; **Barkley**, Raymond C, G255; **Bonnelli**, Douglas T, G1155; **Bowen**, Richard G, G150; **Bowers**, Roger L, G465; **Brown**, Geoffrey C, T1941; **Bunker**, James V, G1592; **Burket**, Richard B, E649; **Carson III**, Robert G, G1682; **Collins**, Eric R, G1415; **Cummings**, David, E129; **Doherty**, John T, G323; **Eberhart**, Dan R, E1588; **Graff**, Rick G, G1689; **Hall**, William J, E508; **Holt**, Jeffrey R, E545; **Jenkins**, Michael E, G1767; **Katzman**, Michael M, G220; **Kearnes**, James K, E029; **Korney**, John S, G1827; **Laux**, Gary M, E120; **Muntzert**, James K, G917; **Nashem**, William D, T1916; **Newton**, Frederick H, E694; **Park**, Jinsuk C, T1861; **Pulver**, Barry S, E1061; **Scott**, Lewis E, E409; **Shump**, Kenneth W, G962; **Sims**, John D, G1002; **Small**, Howard W, G1283; **Stoffey**, Philip S; **Starchan**, Glen C, E614; **Sturgill Jr**, Jay P, E447; **Thornburg**, Todd M, G1831; **Wallace**, Rex C, T1951; **Whelan**, Patrick D, G010; **Witek**, Bonita M, E540.

Please contact the Board office if you *did* renew so that we can correct the database. Board staff will need your assistance to locate errors in the renewal process. If you wish to activate your registration, forward your renewal form with any address corrections, renewal fee, *and* the Restoration Fee. Remember: If you are publicly practicing geology in this state, you must maintain a current registration. This newsletter will be the last communication from the Board.

2002 Calendar of Upcoming Events

- March 11: Board Meeting, Salem
The Association Center, Conference Rm B
- March 15: National ASBOG Exam, Salem
The Association Center, Conference Rm B
8:00 AM - 12:00 PM -- Fundamentals
1:00 PM - 5:00 PM -- Practice
- CEG Examination, Salem
The Association Center, Conference Rm A
8:00 AM - 5:00 PM
- Oregon Geology Examination, Salem
The Association Center, Conference Rm B
6:00 PM - 8:00 PM
- April 12-13: ASBOG Council of Examiners
Indianapolis, IN
- April 18-19: Meet with Washington Board,
Olympia, WA
- May 10: Application Postmark Deadline
for Oregon Geology Examination
- June 7: Oregon Geology Exam, Salem
The Association Center
- June 10: Board Meeting, Salem
The Association Center
- July 1: Application Cut-off for October 4th Exam