



# Oregon Geologist Examiner

September 2001

Official Publication of the Oregon State Board of Geologist Examiners

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## Geology Board Members:

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State Geologist

Audrey Eldridge, RG

Charles Hester, CPA  
Public Member

David Michael, CEG

Gary Peterson, CEG

**Susanna R. Knight**  
Administrator

**Jane F. Feinberg, CEG**  
Design Editor

## Next Board Meeting:

**September 18, 2001**  
1:00 PM – Salem

*Board Work Session  
begins 9:30 AM*

## Public Testimony Process Addressed by Board's Attorney

**F**requently when a city or county is considering development plans or zoning changes, those who oppose and those who favor development present testimony in support of their position. Often, people purporting to be geologists present testimony on either side of the issue. The Board has received several complaints about testimony at public hearings on issues related to geology. The Board has been concerned about how to respond to these complaints in a way that protects registrants' right to speak publicly on important matters, while protecting the public from misleading testimony or unprofessional work.

At the Board's June 5 meeting, the Board's legal counsel Assistant Attorney General Christine Chute shared her views on the Board's responsibilities with respect to this type of testimony. The Board does have statutory authority, through the Board's CODE OF CONDUCT, to impose professional standards of conduct on registrants who testify at public hearings. The CODE OF CONDUCT applies whether a registrant is paid as an expert or volunteers his or her time.

AAG Chute advised the Board to focus tightly on what harm public testimony by geologists might do and what harm the Board seeks to prevent in relation to public testimony. After identifying the harm, the Board would focus on the narrowest possible method of avoiding the harm.

As an example, if a registrant testified as an expert — based upon his or her registration as a geologist — but provided false or misleading information to the public body, the public body might rely upon incorrect or inadequate information. This could have very serious, even life-threatening, consequences in some cases. The Board could focus on ways to make sure that public bodies did not rely upon inaccurate or inadequate information furnished by registrants. The Board could establish standards for public testimony that are narrowly tailored to specifically address this harm. The Board might require that a Registered Geologist: 1) disclose when he or she has relied upon information gathered by others; 2) when he or she has not done any field work; or 3) other inherent weaknesses in his or her conclusions.

The Board has not yet adopted guidelines on public testimony, but will continue to consider and discuss them. The Board would welcome input from registrants who have suggestions about how the Board can best ensure that public bodies are not misled by ill-considered or inadequate information provided in the guise of expert opinion by Registered Geologists. Please forward any suggestions to the Board office.

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## Knight Notes

**L**ate last winter, the Board began talking with and developing a draft MEMORANDUM OF UNDERSTANDING (MOU) with the Board of Examiners for Engineering and Land Surveying (OSBEELS). The purpose of this document is to establish a procedure of action by the Boards in the area of overlap of practice when compliance issues are faced.

Stu Albright, PE, OSBEELS member; Gary Peterson, RG, CEG, OSBGE member; and John Beaulieu, State Geologist served as the committee in developing the draft MOU. The following met to discuss the draft at the June 5th OSBGE Meeting: members of OSBGE; Stu Albright, PE; Christine Chute, OSBGE Attorney; Ed Graham, OSBEELS Executive Secretary; Susanna Knight, OSBGE Administrator; Susan Marshall and Karen Hartley, DAS Risk Management Division. After two hours, the discussion closed with changes noted and a request of OSBEELS to place it on their next meeting's agenda. Although the document did come up for discussion at OSBEELS's July Board Meeting, it was referred to a committee. Final review by their entire Board is scheduled for September 10th.

In the meantime, OSBGE has released the draft document to registrants interested in reviewing and sharing comments. The Board anticipates that the draft phase will soon be behind them so the implementation process can begin. If you receive this newsletter prior to the Board's next meeting and would like to review the draft MOU, email your request to [osbge@osbge.org](mailto:osbge@osbge.org).

The Board is soliciting your input on the Public Testimony process (see related article on page 1). Any input should also be directed to the Board office at [osbge@osbge.org](mailto:osbge@osbge.org).

In addition, you are encouraged to request and review the LCDC Goal 7 draft language (see article page 2, column 2). Comments on the draft language should be submitted directly to LCDC per the email address in the article.

Your participation is appreciated.

Susanna Knight  
Administrator

## Statewide Land Use Planning: Goal 7 - Natural Hazards

**A**s Registered Geologists practicing in our state, you are charged in your professional duties with protecting the public health and welfare and property (OAR 809-020-0001). This can be accomplished not only by providing the highest standard of geology work but also by participating when possible in the development of policy and practice procedures. The opportunity to participate in such a process is now available.

Over 25 years ago, the Land Conservation and Development Commission (LCDC) of the Department of Land Conservation and Development adopted STATEWIDE LAND USE PLANNING, GOAL 7-NATURAL HAZARDS. As Oregon's population has increased and the pressure to build in hazardous areas has grown, the Commission recognized the need to review and amend Goal 7. Although Goal 7 has been fairly effective in minimizing risks due to natural hazards, this review has been implemented to be certain that natural hazards continue to be adequately addressed in the planning and development of Oregon's communities as the state faces continued growth. Most, if not all, of the original hazards recognized were geologic in nature. The issues of dam safety and wildfires were later added to this list.

The revisions to Goal 7 have been deemed necessary to replace out-dated language, define terms that have been confusing, establish when local governments are responsible for responding to new natural hazards information, and to strengthen coordination between state hazard agencies and local governments. If you prepare any reports for either state or local government entities, you are encouraged to review the new draft language of Goal 7 and offer input.

To receive copies of the proposed goal amendment, contact Shelia Preston at the Department of Land Conservation and Development, [shelia.preston@state.or.us](mailto:shelia.preston@state.or.us).

Two hearings were previously held by LCDC in 2000. An additional hearing on the proposed Goal 7 amendments will be held September 27 and 28 in the Basement Hearing Room of the Agriculture Building located at 635 Capitol Street NE in Salem. Written comments will be accepted until the close of the September 27-28 hearing. Those registrants working daily in the field with geologic hazards and having firsthand knowledge of such hazards are encouraged to read the draft language and offer suggestions.

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## Agreement Reached

In a Public Meeting of the Oregon State Board of Geologist Examiners held in Salem on June 5, 2001, it was unanimously voted that the Board should establish a written agreement regarding the following individual.

STATE OF OREGON  
BOARD OF GEOLOGIST EXAMINERS

and

**Vance A. Matthews**  
CC #00-05-004 and CC #00-05-005  
1305 Ann Court  
West Linn OR 97068

In such agreement, Mr. Matthews, who is not a geologist registered with the Oregon Board:

- 1) will agree to cease *the public practice of geology* in the state of Oregon;
- 2) will henceforth have all reports, which may contain information considered to be *the public practice of geology* in the State of Oregon, prepared under the direct supervision of, and stamped by, an Oregon Registered Professional Geologist;
- 3) will not be disciplined by the Board for any additional reports which may include the public practice of geology that were signed or written by him prior to the date of this agreement; and
- 4) will seek to complete the registration process here in Oregon.

Mr. Vance A. Matthews, representing himself, and William N. Orr, representing the Oregon State Board of Geologist Examiners, sealed this agreement.

## Board Welcomes New Registrants

Six candidates sat for the June 8th Oregon Geology Examination. The pass rate for the exam was 83%. Three candidates completed this exam as the final requirement for becoming a Registered Geologist and are now added to the Board Roster.

Congratulations to the following new registrants:

Stephen Kurt Brueckner	G1938
Andrew Valentine Goodell	G1793
Amanda Louise Spencer	G1935

## Board Exams Scheduled

Registration exams will be held on Friday, September 14th at the Board office in Salem. Four separate exams will be administered: the ASBOG National Exam, Fundamental section; the ASBOG National Exam, Practice Section; Oregon Certified Engineering Geology examination; and the Oregon Geology Examination.

Cutoff date for this examination was July 1st. A total of 43 exams are to be administered. The next scheduled national exam date is March 15, 2002. Cutoff date for receipt of application packets for the March exams is January 4th. Effective in the fall of 2002, the national fall examinations will move from September to October.

The Oregon Geology exam will be administered again on December 7th in Salem. The application deadline is November 10th. To be eligible, you must have a completed application packet on file by Cooperative Licensure or by Examination.

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## Electronic Newsletter Considered



The Board is considering the use of email in delivering the Quarterly Newsletter to each registrant. Since the beginnings of the website, the newsletter has been posted at the time it is delivered to the printer. On occasion, registrants have accessed it prior to the arrival of the mailed copy.

The Board is interested in hearing from you regarding such a change. Do you anticipate that you would be more apt to read the publication in a print format when it arrives as opposed to seeking it from a website following notification via email? As with any change, there are positives and negatives. Your opinion is valued and you may share it via U.S. mail, fax, phone, or [osbge@osbge.org](mailto:osbge@osbge.org)

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### Lapsed Licenses for 2001

**T**he registration of the following individuals lapsed during the second quarter of 2001.

**Carney**, Paul R; **Clarke**, Howard S; **Dinkelman**, Scott D; **Donnelly**, Michael F.; **Hamill**, Molly L.; **Himes**, Dorinda S.; **Istok**, Jonathan D.; **Lamadrid**, David; **Louisell**, Richard H.; **Marsh**, Michael J.; **Michael**, David L.; **Moser**, Debra J.; **Opfel**, William J.; **Roso**, Catherine Sara; **Scott**, Norman P.; **Soar**, Maureen; **Talty**, Dale D.; **Weingarz**, Richard A.; **Yinger**, Mark A.

Please contact the Board office if you *did* renew so that we can correct the database. Your assistance in this matter is appreciated. If you wish to activate your registration, forward your renewal form with any address corrections, renewal fee, and the Restoration Fee.

Registrants practicing on a lapsed registration are subject to discipline by the Board. If you know any of these individuals, you are encouraged to alert them to the possible lapsed status of their registration with the Board.

### 2001 Calendar of Upcoming Events

- Sept. 14: ASBOG Exam -- Salem  
Fundamentals: 8:00 AM to Noon  
Practice: 1:00 PM to 5:00 PM  
CEG Exam: 8:00 AM to 5:00 PM -- Salem  
(1-hr lunch break)  
Oregon-Specific Exam: 6:00 PM to 8:00 PM  
Salem
- Sept. 18: Board Work Session: 9:30 PM -- Salem  
Board Meeting: 1:00 PM -- Salem
- Oct. 10 to 13: Council of Examiners and ASBOG Annual Meeting: 8:00 AM to 5:00 PM  
Pittsburgh, PA
- Nov. 10: Application Deadline - Oregon Geology Exam
- Dec. 7: Oregon Geology Exam: Salem 1:00 PM to 3:00 PM
- Dec. 18: Quarterly Board Meeting in Portland (TBA)
- Jan. 4: Application Deadline,  
March ASBOG Exam