

Oregon State Board of Geologist Examiners

MEETING MINUTES

March 6, 2008, 1:00 PM

Member Present

Chris Humphrey, RG, CEG, Board Vice-Chair

Dr. Vicki McConnell, RG, State Geologist

Dr. Stephen Taylor, RG, Board Chair

Rodney Weick, RG, CEG

Mark Yinger, RG

Staff Present

Susanna Knight, Administrator

Guests Present

Mark Reed [2:25 to 5:18 PM]

The 1:00 PM Board meeting was preceded by an 8:30 AM Work Session with three items on the discussion agenda.

- Item one was a discussion of the Standards of Practice and the application of such standards in the compliance review process. The Board concluded that the development of Standards of Practice could evolve through research and discussion and agreed to do the research. At the close of the discussion, and as a preliminary step for discussion at the next Work Session, Chair *Taylor* made the following research assignments: Humphrey, research OSBEELS information; *McConnell*, research Medical Board information; *Taylor*, research Nursing Board information; *Weick*, research information for Arizona and California Geology Boards; *Yinger*, research information for Washington and Idaho Geology Boards.
- *Taylor* distributed numerous spreadsheets reflecting the 2007-09 budget development process and new revisions to the personal services section of the budget. As a second discussion item, he informed the Board that subsequent to the adoption of the budget, the Governor approved increases to state management salaries. Those increases were not known by the Budget Committee so were not included in the approved budget. At the conclusion of the discussion, *Taylor* directed staff to do additional research on whether COLA increases are reflected in the current salary steps. When the actual increase in personal services costs for the biennium is established, the Board will contact OSLAB regarding a revision to the 2007-09 Agreement for personal services.
- The final discussion item revolved around the 2009 Legislative Session and if the Board wished to submit a Legislative Concept. Concepts are due by April 4, 2008. *Taylor* directed the Board to the handouts which reflected legislative activities during the 2007 session and encouraged the Board to seek only one change for the 2009 session: immunity for Board volunteers. Although during the 2007 session, numerous other changes were in the bill including an increase in the civil penalty, *Taylor* encouraged the Board to drop the other items and only focus on the immunity clause.

At noon, the Board recessed for lunch where they were joined by former Board Members Orr and Morris to celebrate Al Morris' service to the Board as a Public Member. Morris' initial appointment was to finish out a term for the previous Public Member who moved out of state. He subsequently accepted appointment for a three-year term. He informed the Governor's office of his resignation well in advance of 1/24/2008, the effective end date for his term,. Board Members shared their appreciation of his time with the Board and wished him their best. No replacement has yet been appointed.

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Dr. Stephen Taylor, RG, Board Chair, called to order the quarterly meeting of the Oregon State Board of Geologist Examiners at 1:03 PM

1. Agenda: *Taylor* inquired if there were any additions to the agenda. *McConnell* requested to add under 9. New Business, c. Public Announcements. *McConnell* moved to approve the agenda with this addition. *Seconded and passed. Humphrey, yes; Taylor, yes; Weick, yes; Yinger, yes.*

2. Meeting Minutes

- a. *Weick* moved to approve the minutes of the October 19, 2007, quarterly Board meeting. *Seconded and passed. Humphrey, yes; Taylor, yes; Weick, yes; Yinger, abstain.*
[*Yinger's* appointment date was December 26, 2007.]
- b. *Taylor* moved to approve the minutes of the December 7, 2008, quarterly Board meeting. *Seconded and passed. Humphrey, yes; Taylor, yes; Weick, yes; Yinger, abstain.*
[*Yinger's* appointment date was December 26, 2007.]
- c. *Yinger* moved to approve the minutes of the Special Telephone Meeting convened January 21, 2008. *Seconded and passed. Humphrey, yes; Taylor, yes; Weick, yes; Yinger, yes.*

3. Announcements

- a. *ChairTaylor* welcomed newest Board Member *Mark Yinger, RG*, to his first quarterly meeting of the Board and thanked him for stepping up and volunteering his services to the profession. *Knight* noted that *Yinger* read about the Board Member vacancy in the Board's newsletter and made contact with the Governor's office regarding his interest in appointment. *Yinger* resides in Sisters, Oregon and previously volunteered as a Board Peer reviewer. His initial appointment date is 12/26/2007 to complete the unfinished open term through 2/28/2008. The effective dates for *Yinger's* official first term are 3/1/2008 to 2/28/2011.
- b. *Knight* informed the Board that the Association of State Boards of Geology (ASBOG) exams would be administered tomorrow, March 7, 2008 at Chemeketa Community College. *Yinger* will serve as proctor for the fifteen candidates for the fundamental section in the morning and nine candidates for the practice section in the afternoon.
- c. *Knight* informed the Board that one candidate will be sitting for the OR/WA Engineering Geology examination and *Knight* will serve as the proctor for the PM administration.
- d. The next Board meeting is scheduled to convene on Friday, June 13, 2008, in the Board Conference Room.

4. Administrator Reports

- a. **Appendix I, Board Administrator Report:**

- Knight directed the Board to the renewal update section where a decline in registrant renewals has occurred in the last quarter of 2008. The October, November & December months have the greatest numbers of renewals but staff is unsure as to what the decline might be representing.
- Knight also reported that the Board provided five volunteers for Phase II of the Oregon/Washington Engineering Geology Task Analysis project which convened on February 26, 2008, in Vancouver, Washington. *Weick* served as the Board's representative.
- An article is needed for the April newsletter. *McConnell* offered to work on this need, as since the Woodson slide, there is much information out there.
- *Taylor* inquired if staff has yet obtained a scanner and said: GET ONE!
- Knight directed the Board to the large report that was included in the meeting packet titled: PURSUANT TO ORS 182.472, AS REVISED BY HB 2029 OF THE 73RD LEGISLATIVE ASSEMBLY, A REPORT ENCOMPASSING THE WORK OF THE BOARD FROM 7/1/2005 TO 6/30/2007. This report is required of all semi-independent Boards on a biennial basis and will soon be posted on the web. Knight was particularly excited about the number of outreach opportunities that have occurred in this new biennium which will be reported two years from now.
- Knight distributed a document and requested signatures of all Board members for the Edward Jones Account of the Board. The Budget Committee and Knight will serve as signatures allowed to make changes to the account.
- Government Agency identification cards are available through DMV and such ID secures the government hotel rate if a member has overnight lodging requirements. Knight will provide LETTERS OF AUTHORIZATION so that each Board Member can acquire this ID. *Taylor* offered that each Board Member should have such an ID.
- Knight distributed an Action List of carryover items from prior to the December Board meeting and asked members to follow-up on any of their assignments. A second Action List included all items from the December meeting.

b. Financial Statement: Budget versus Actual for 2007-09 Biennium: Knight referred the Board to the document provided in the meeting materials and indicated that if questions arise after the meeting, do contact the office with those.

c. Revenue & Expense Report, 7/1/2007 through 2/15/2008: Knight directed the Board to the net income amount to date of \$22,027.16 which ties back into the Financial Statement and to the Balance Sheet with the CD assets amount at \$62,815.70.

d. *Humphrey* moved to approve check log #2694 to 2739 and #9073 to 9077 with one change to the memo for Check #2736, Gift to Volunteer. *Seconded and passed. Humphrey, yes; Taylor, yes; Weick, yes; and Yinger, yes.*

At 2:20 PM, the Board was joined by a guest, Mark Reed, Eugene, Oregon.

The financial audit of the 2005-07 biennium was recently concluded. Both Knight and *Taylor* participated in the exit interview with the Secretary of State Audits Division and the contracted auditors. *Taylor* reported that there was one finding but staff provided a resolution to the finding. That report will be provided to all Board members when it is released and it will be included in the next biennial report to the Legislature.

Taylor recessed the Board for a 10 minute break. The Board reconvened at 2:35 PM.

5. Compliance Updates: Due to the vacancy in the Public Member position, Knight directed the Board to the list of outstanding compliance cases.

a. CC#07-11-005: *Yinger* reported that he reviewed both the complaint and the response from the Registered Geologist. The complainant claimed that no geologic map was present. *Yinger* stated that a map is present. He did not compare it to past maps. *Taylor* inquired as to how this map compares with past map issues. *McConnell* stated that it is the standard of the Board versus the standard in the community and inquired if the map is minimally proficient. *Yinger* offered the map source and *McConnell* responded that NWGS is a reliable source. *Taylor* questioned why there is so much confusion. *McConnell* offered that well logs are also needed as the work requires a three-dimensional approach. *Yinger* stated that his recommendation is to dismiss the case, allegations unfounded, as his findings reveal that the map is sufficient for the report. *McConnell* moved to adopt the recommendation of the reviewer to dismiss the case, allegations unfounded. *Seconded and passed. Humphrey, yes; Taylor, yes; Weick, yes; Yinger, yes.*

b. CC#06-12-010: *Humphrey* reported that the complainant charged that his signature and his registrant seal were used by a company after he was no longer employed by that company. Respondent 1, a PE, stamped and signed a second report alongside the Engineering Geology stamp of a former employee. In his response letter to OSBGE, Respondent 1 replied that the company was aware of this but the change in the second report was minor for which they used the seal of an individual no longer with the company. *Humphrey* recommended that a civil penalty for violation of ORS 672.525 (misuse of stamp) in the amount of \$1000 be assessed against Respondent 1. Respondent 2, who is no longer with the company and cannot be located at this time, served as the office manager at the time he signed off on the cover letter and approved the report. Respondent 2 violated both ORS 672.525 (5) and ORS 672.525 (1) *Humphrey* recommended a \$1000 fine for violation of ORS 672.525 and a \$500 fine for violation of ORS 672.525 (1). In additional discussion, *Yinger* offered that the employer needs a policy regarding procedures when an employee leaves. *McConnell* suggested a letter be issued to the company commending the change in internal policy regarding the use of a registrant stamp after the departure of an employee. *Humphrey* stated under no circumstances should a stamp be used by anyone but the owner of the stamp. *Weick* moved to accept the reviewer's recommendations in CC#06-12-010 and issue a civil penalty for violation of ORS 672.525 in the amount of \$1000 against respondent 1 and issue two civil penalties against Respondent 2, \$1000 for violation of ORS 672.525 and \$500 for violation of ORS 672.525 (5). *Seconded and passed. Humphrey, yes; Taylor, yes; Weick, yes; Yinger, yes.*

c. CC#07-02-001: Action was taken in the October 19, 2007 meeting based on the review of Board Member *Taylor*. However, additional review by a CEG was requested by *Taylor* in order to establish whether the practice of Engineering Geology also occurred in the work by the respondent. *Weick* subsequently concurred that Engineering Geology is also represented in this report. *Taylor* stated that the individual appears to be highly qualified to do this work but is not registered. *McConnell* offered that the fines are appropriate from the October 19,

2007, meeting as the individual is registered in another state and is aware of what registration means. However, in a show of good faith, the Board could offer to waive the civil penalty if the respondent appears before the Board along with the Oregon Registered Geologist that will be sealing any Oregon work. *Weick* offered that as principal in a company, he can represent his company, but the work product must be signed and sealed by the Oregon registrant that completed the work. *Weick* moved that the Board amend the decision in CC#07-02-001 to waive the fine provided the respondent and the Oregon Registered Geologist(s) of the company appear before the Board to assure the Board that future reports will be appropriately signed and stamped. *Seconded and passed. Humphrey, yes; Taylor, yes; Weick, yes; Yinger, yes.*

d. **CC #07-04-002:** This case remains under review.

e. **CC #07-11-005:** This case remains under review.

3:55 PM: Chair *Taylor* recessed for a 5-minute break.

6. Committee Reports

a. **Administrative Rules:** *Knight* directed staff to the Legislative Counsel letter regarding a previously submitted rule and advised the Board that the Rule is being resubmitted for failure to meet the 10-day requirement. No other rule making activities are prepared at this time. *Taylor* asked *Weick* if he would be willing to serve as Chair of the Rules Committee and hearing a yes, assigned him to Chair the Administrative Rules Committee.

b. **CEG Exam:** *Knight* reported that the psychometricians are developing the questionnaire as a follow-up to the Task Analysis, Phase II, reported on during the Administrator Report. The draft questionnaire is now under review by both the Oregon and Washington Boards. The questionnaire will soon be distributed to every registered Engineering Geologists in both Oregon and Washington.

c. **Joint Compliance Committee (JCC):** This committee has not met since the November 14, 2007, meeting. The minutes of that meeting have not yet been distributed. An OSBEELS' procedure for processing JCC cases was mapped out. *Taylor* stated that the Geology Board determined that concerns should be addressed on a case by case basis when they are presented by the Board(s) to the JCC. *Weick* stated that the JCC should focus on the four questions developed by the JCC when evaluating complaints and the JCC minutes will reflect what happens with JCC cases.

d. **Legislative Committee:** *McConnell* stated that Legislative Concepts are due in a couple of weeks. She agreed to continue as Chair of this committee, as she tracks all geology bills, but will take a lower profile during the session. During the last session Legislators sometimes confused DOGAMI, the agency she represents, and OSBGE.

e. **Outreach Committee:** *Taylor* reported the following:

- The Watershed Article published in the Board's September 2007 newsletter was subsequently published in Oregon Geology, a DOGAMI publication, which gave it additional exposure. As a follow-up to that, *Taylor* was invited to sit on a panel for the River Restoration Conference which convened at Skamania Lodge, Washington last month. It was an interdisciplinary conference; his presentation was 15 minutes; he

appeared with a Landscape Architect and an Engineer. There was good interest and inquiries about registering in Oregon. Washington is currently attempting to register wetland and soil scientists.

- Panel for K-12 Science Standards: *Taylor* has attended two meetings since joining the panel and another is scheduled next month. The panel is forging ahead with future science curriculum for Oregon. *McConnell* summarized for the new Board member how participation in this panel came about. *Taylor* reported that only two years of science is currently required in high school. No geoscience curriculum is currently required. He is hoping that *McConnell* will attend and be introduced so the panel can be exposed to the GeoSciences. Once the curriculum is set, school districts must adapt to it! *Humphrey* identified to the Board an article from the National Association of GeoScience Teachers titled “Preparing Geologist for Careers in Engineering Geology and Hydrogeology”.

f. Professional Practices: *Humphrey* distributed draft rules to provide a framework for discussion on continuing education reminding the members that this topic has been discussed over the last few years. Knight cautioned the Board about having the infrastructure firmly identified before implementing the requirement and offered five areas that must be laid out.

- Providers must be known/identified.
- Process must be clear: # of hours; definition of hour; timeframe for hours; how hours are tracked and reported.
- Consequences of not completing required hour must be clear.
- Audit process must be outlined.
- A strategy for budget implications must be devised.

Humphrey suggested that the topic be again presented in the newsletter and that a Work Session item could address this issue. *McConnell* offered that AIPG has a continuing education model and this would be a good place to go. *Taylor* offered that continuing education is no where on the ASBOG agenda.

7. Correspondence *Weick* requested that this agenda item be tabled due to the late hour.

8. Old Business

a. Outreach to Eastern Oregon Mining Community: *McConnell* advised the Board that much outreach is needed to the Eastern Oregon miners as well as BLM based on the mining complaint that the Board reviewed. The Board should plan on a forum which could include both BLM and the mining community as part of a meeting scheduled in that part of the state. Our current policy is to hold one meeting in a biennium in outer areas of the state. A September Baker City meeting location would allow the Board time to plan for the meeting so that miners can be invited to hear about the work of the Board and ask questions of the Board. Knight will contact the Eastern Oregon Mining Association about the September date. *Weick* suggested that perhaps a field trip could be arranged to educate the Board and September would be a good time to accomplish this.

b. Compliance Legislation: *Taylor* moved that a Legislative Concept due to be submitted by April 4, 2008, for Section 2 only of SB165 from the 2007 Legislative Session be approved by the Board. *Seconded and passed.* *Humphrey, yes; Taylor, yes; Weick, yes; Yinger, yes.*

9. New Business

a. *McConnell* moved to approve Shalom S. Marquardt for Registered Geologist status in Oregon. *Seconded and passed. Humphrey, yes; Taylor, yes; Weick, yes; Yinger, yes.*

b. **Travel Reimbursements:** Updates are provided for Board Members review. Effective January 1, 2008, gasoline reimbursement is now .505 per mile.

c. **Public Announcements:**

1) **Coastal Processes & Hazards Working Group** will meet on May 1, 2008, in Newport. *McConnell* is hopeful that the Board can be represented as it has been in the past.

2) **Geological Society of America's** National Meeting will convene in Portland in October of 2009. Perhaps the Board should consider a presence at this meeting.

10. Public Comment: Guest Mark Reed offered the following comments for the record:

- a) Reed has an ongoing interest in the practice of geology as it relates to the First Amendment rights of all geologists.
- b) Reed concurs with not releasing names in minutes of parties involved in compliance cases but that the final motion should include the names.
- c) Can the public request the names under investigation as Reed would like to contact anyone facing a First Amendment issue. *Knight* will research this question.
- d) In regards to the K-12 curriculum discussion, the University of Oregon is seeing declining enrollment in the Geology student numbers. Field work really attracts students to the geology field.
- e) The Board might consider the involvement of university faculty in the continuing education process.

Chair Taylor adjourned the meeting at 5:18 PM.

Respectfully submitted,

Susanna Knight
Administrator

The minutes of the March 6, 2008, Board meeting were approved at the June 13, 2008, quarterly meeting of the Board convened in Salem, Oregon.

Respectfully Submitted,
Susanna R. Knight
Administrator