



# Oregon

State Board of Examiners for  
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SPECIAL BOARD MEETING  
Minutes of Meeting  
April 29, 2014

## CALL TO ORDER

President Tappert called the meeting to order at 1:05 a.m. via teleconference from the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) office at 670 Hawthorne Avenue, SE Suite 220, Salem, Oregon 97301.

## ROLL CALL

### Members Present:

Carl Tappert  
Steven Burger  
James Doane  
Anne Hillyer  
Sue Newstetter  
Ron Singh

### Members Excused:

William Boyd  
Shelly Duquette  
Ken Hoffine  
Jason Kent

### Others Present:

Mari Lopez, Administrator  
Joy Pariante, Social and Communications Media Specialist  
Warren Foote, Assistant Attorney General

## PUBLIC INPUT

There was no public input.

## 2015 LEGISLATIVE CONCEPT – DRAFT LANGUAGE

This Legislative Concept was previously approved during the March 11, 2014 Board meeting. The Board discussed two changes suggested for the Legislative Concept since its approval. Ms. Lopez explained that one change was the result of the current lack of statutory requirements regarding responsible charge for photogrammetrists. The suggested addition (Oregon Revised Statute (ORS) 672.002(9)(c)) to the Legislative Concept was drafted with the assistance of Ms. Hillyer and Mr. Singh. The Board discussed the necessity of clarifying the reference to LiDAR in the addition. Ms. Hillyer and Mr. Singh agreed that specifying aerial LiDAR as an area requiring a photogrammetrist being in responsible charge would eliminate any confusion

regarding other types of LiDAR that photogrammetrists may not use and, therefore, would not need to oversee. President Tappert pointed out that the definition of photogrammetrist includes a reference to multiple types of remote sensing. The Board determined to remove the reference to LiDAR from the draft and, instead, clarify that a photogrammetrist would need to supervise and have control over projects involving remotely sensed data similar to that which they routinely use. It was moved and seconded (Doane/Hillyer) to approve the changes recommended for ORS 672.002(9)(c). There was no additional discussion. The motion passed unanimously. The second recommended change was in ORS 672.102(6) and would allow a waiver of the Fundamentals of Engineering (FE) examination for individuals with a doctoral degree in an engineering field, which is available in other states. Ms. Lopez explained that this becomes an issue when individuals from states with a doctoral degree FE waiver apply for comity in Oregon. These individuals cannot be approved for registration by comity because of Oregon's statute requiring successful completion of the FE. The Board members all agreed that they were uncomfortable with waiving the FE requirement for individuals with a doctoral degree. Mr. Burger said he didn't think there was any equivalency between a doctoral degree, which is very specific in nature, and passing the FE, which focuses on general engineering knowledge. It was moved and seconded (Newstetter/Doane) to strike the proposed language in ORS 672.102. There was no additional discussion. The motion passed unanimously. Ms. Newstetter asked for clarification regarding changes to ORS 672.115. She wanted to ensure that experience is still a pathway to registration for land surveyors. Ms. Lopez said education, experience or combinations of those are all still available. Mr. Singh asked about the use of "branch" when discussing land surveying and photogrammetry in ORS 672.095, as he was unaware of any distinct branches in these practices in Oregon. Ms. Lopez said the reference to "branch" was in the original statutory language that was left unchanged to avoid conflicting with any unknown statutory history. Ms. Hillyer pointed out that the word "may" is used regarding branches of land surveying and photogrammetric mapping, which means the Board could specify a branch for these practices – if that option becomes available in the future. However, it is not applicable to the current land surveying and photogrammetric mapping structure. Ms. Hillyer added that AAG Katharine Lozano had suggested separating the practices in this area of the statute due to the reference to branches – the language regarding identifying engineering branches uses "shall" because identification of discipline for engineers is required versus the use of "may" for the other professions. President Tappert pointed out that, as branches for these practices is not currently an option in Oregon, the language seems innocuous. Mr. Singh was in agreement. There was no further discussion.

## **OREGON GOVERNMENT ETHICS COMMISSION – REQUEST FOR INPUT**

The Oregon Government Ethics Commission (OGEC) sent out a memo requesting input regarding the definition of "representatives of the news media," as used in ORS 192.660(4), which pertains to the executive session provisions of Oregon Public Meetings Law. OGEC's memo explained that, due to the evolving nature of journalism since the advent of the Internet, it has been difficult to determine who qualifies as a "representative of the news media" under the law. OGEC requested written responses by April 30, 2014. Ms. Pariante researched existing statutory definitions related to media representatives and that information was provided to the Board to review. AAG Foote explained that affiliation with the media is obvious when dealing with members of traditional print or video news organizations, but it gets more difficult when attempting to determine which bloggers, if any, are considered news media. President Tappert

asked if the category of individuals being discussed would be permitted to remain in the room when the Board is deliberating or discussing a contested case. AAG Foote said no, but representatives of the news media are allowed to remain when the Board is receiving legal advice or discussing personnel matters during Executive Session. President Tappert said he was aware that representatives of the news media could be instructed to not release any details of Executive Session discussions, but he asked if there was any recourse available if that information was ultimately disclosed. AAG Foote said, other than contacting the individual's employer regarding a breach of confidentiality, there was no other course of action. President Tappert said he prefers to err on the side of government transparency, but expressed doubts about the Board's contribution to this discussion. He noted that he hadn't dealt with a member of the media during an Executive Session during his eight years serving on the Board. Ms. Newstetter said she could think of some scenarios that may generate media attention. AAG Foote reminded the Board members that their input on this subject was not required. Ms. Lopez added that the topic was brought to the Board for discussion so the members would be aware of the request and could respond if they choose. Mr. Burger and Ms. Hillyer noted that they were comfortable with the recommendation from Ms. Pariante to support identifying "representatives of the news media" in accordance with the language used in ORS 44.510 and 44.520, which define "medium of communication" and refers to any person connected with, employed by or engaged in any of these mediums. The Board members asked Ms. Pariante if she was comfortable with this recommendation being forwarded to the OGEC. Ms. Pariante said yes; as it is consistent with existing statutory definition and is impartial in determining who qualifies as a representative of the news media. It was moved and seconded (Hillyer/Burger) to forward this recommendation to the OGEC for inclusion in its Commission discussions about defining "representatives of the news media," as referenced in ORS 192.660(4). There was no additional discussion. The motion passed unanimously.

The meeting adjourned at 1:40 p.m.