



Oregon

STATE BOARD OF EXAMINERS
FOR ENGINEERING &
LAND SURVEYING

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EXAMINATIONS & QUALIFICATIONS COMMITTEE

Minutes of Meeting
February 13, 2015

Members present:

Jason Kent, Chair
William Boyd
Steven Burger
Shelly Duquette

Staff present:

Mari Lopez, Board Administrator
Jenn Gilbert, Executive Assistant
Adaira Floyd, Social and Communications Media Specialist
Jennifer O'Neill, Registration Specialist
Brianna Weekly, Registration Specialist

Others present:

Katharine Lozano, Assistant Attorney General
Ken Hoffine (observer)

The meeting of the Examinations and Qualifications Committee was called to order at 9:10 a.m. in the OSBEELS Conference Room at 670 Hawthorne Avenue SE, Suite 220, Salem, OR 97301.

Public Comment

There was no public comment.

Unfinished Business

Breyer, Kenneth — During the December 2014 Committee meeting, the Committee reviewed a civil PE application for registration by comity submitted by Mr. Breyer. During the December meeting, staff reported that Mr. Breyer does not meet the minimum experience or degree requirements for registration and as a result, staff recommended issuing a Notice of Intent (NOI) to deny Mr. Breyer's application for registration by comity.

The Committee directed staff to request that Mr. Breyer contact ABET and have documentation sent to the Board directly from ABET confirming accreditation *or* have an evaluation conducted by NCEES Credentials Evaluations of the degrees and completed coursework, to be submitted to the Board no later than January 30, 2015. Staff reported that, on February 6, 2015, Mr. Breyer requested a second deadline extension. AAG Lozano reminded the

Committee of their options at this point: evaluate Mr. Breyer's application as it currently stands or grant a second extension. The Committee discussed how the first extension expired on January 30, 2015 and Mr. Breyer did not request a second extension until February 6, 2015 and that ABET has not yet been contacted. It was moved and seconded (Kent/Burger) to instruct staff to contact ABET on behalf of Mr. Breyer regarding the Master of Science in Engineering degree from California State Polytechnic in 2000 and to clarify whether all ABET accredited programs are listed on the ABET website. There was no additional discussion. The motion passed unanimously. These efforts will be communicated to Mr. Breyer by staff.

Singer, Paul – During the December 2014 Committee meeting, the Committee reviewed an FE application submitted by Mr. Singer. The Committee suggested that Mr. Singer contact ABET and have documentation sent to the Board directly from ABET confirming accreditation. Mr. Singer provided the Committee with correspondence from the University of Idaho.

Ms. Lopez informed the Committee that Mr. Singer did not contact ABET as suggested by the Board. After the letter from the University of Idaho was received, Ms. Lopez directed staff to contact ABET on the matter.

The correspondence from ABET stated that, according to ABET records, there is no EAC-accredited environmental engineering (B.S.) program at the University of Idaho. The Committee discussed the information provided by ABET. It was moved and seconded (Kent/Duquette) to deny Mr. Singer's application to sit for the FE exam. There was no additional discussion. The motion passed unanimously.

New Business

Addington, Weston – On December 12, 2014, the Board received a letter from Mr. Addington requesting approval for a Land Surveying Intern Certification. In the letter, Mr. Addington stated that he passed the NCEES FS exam in California and received a B.S. in Forest Engineering and a B.S. in Civil Engineering from Oregon State University in 2014. He further explained that the California Board of Examiners has determined to no longer accept the OSU program he completed as qualified surveying curriculum and he has been awaiting their decision. Due to these circumstances, Mr. Addington requests OSBEELS consider and evaluate his qualifications for Land Surveying Intern certification. Also included with the request letter were his results and transcripts. After reviewing the documents provided, Chair Kent inquired if Mr. Addington will need to submit an application. Ms. Lopez explained that OSBEELS does not have an application for situations like this. AAG Lozano reminded the Committee that this would be possible if SB 297 passes; but the current enrollment qualification statute does not allow for it. The Committee directed staff to send Mr. Addington a letter explaining that the current enrollment statute does not allow for his request; however, SB 297 is currently pending and, if approved, will change the process.

Title Violations and Letters of Concern: Additional discussion occurred regarding the EQC's ability to issue letters of concern when title violations are found in applications. AAG Lozano noted a potential title violation in Mr. Addington's letter, listing himself as "Weston Addington, Forest Engineer; EIT." The Committee discussed how to address the title use. Ms. Lopez inquired if a letter of concern could be issued by the Committee, instead of forwarding the matter to the Law Enforcement Committee (LEC). AAG Lozano responded [yes] and suggested that, if the EQC wishes to recommend that policy to the Board, the recommendation for that change in process is

placed on the Board Agenda for the next scheduled Board meeting. The Committee also discussed creating a matrix for staff to use when title violations are found in applications, application references, or related correspondences. It was moved and seconded (Duquette/Boyd) to recommend the Board adopt the policy and process of the EQC issuing letters of concern informing individuals of the title act in all applications in lieu of forwarding the matter to the LEC. There was no additional discussion. Chair Kent opposed. The motion passed by majority vote.

Review of Exam Applications

Fundamentals Exam

The following individuals submitted the FE short form (Senior Standing) with a verification of enrollment.

- *Kline, Katie*
- *Simpson, Chase*
- *Tibbits, Cody*

Staff reported that it does not appear that these individuals are currently in their senior year of enrollment. As a result, staff recommended issuing a NOI to deny the applications. It was noted that Mr. Simpson also submitted an FLS application and verification of enrollment. Chair Kent was concerned why Mr. Tibbits was listed as a currently enrolled senior. Mr. Tibbits' Verification of Enrollment form was signed by school official James R. Lundy and dated November 12, 2014. The form indicated that if Mr. Tibbits graduated from the program on December 11, 2015, his degree will be conferred on February 1, 2016. The Committee directed staff to contact Mr. Lundy for further clarification. The Committee decided to table the matters until the next committee meeting to provide time to receive explanation from Mr. Lundy.

PE Exam

Antonishen, Michael – Mr. Antonishen submitted an application to sit for the April 2015 Electrical PE exam. Staff reported that he does not meet the required experience in OAR 820-010-0230(1)(a) and (2). His application suggests three years of experience verified by a supervisory PE. Staff reported that Mr. Antonishen qualified for the April 2012 FE examination based upon his M.S. degree in Electrical and Computer Systems from Oregon State University (2012) and completion of at least six of the nine required courses outlined in former OAR 820-010-0225(3)(d). As a result, Mr. Antonishen is not able to utilize his M.S. degree for an additional year of experience per OAR 820-010-0230(1)(a) and OAR 820-010-0230(3). Additionally, Mr. Antonishen has submitted a request for a waiver of references based on OAR 820-010-0212(1)(c)(C). Staff recommended issuing a NOI to deny Mr. Antonishen's application to take the PE exam. Staff also noted that Mr. Antonishen refers to himself as an Electrical Engineer at CVO Electrical Systems, as provided on the first page of his reference forms and experience summary. It was moved and seconded (Duquette/Burger) to deny Mr. Antonishen's request for a waiver of supervisory PE references and to deny Mr. Antonishen's application to sit for the April 2015 Electrical PE exam. There was no additional discussion. The motion passed unanimously. The Committee tabled the potential title violation issue until the Board's decision regarding the Committee's ability to issue letters of concern. This will be addressed during the next meeting as unfinished business.

Comity

Bogdon, Robert – Mr. Bogdon submitted an application for a PLS registration by comity. Staff reported that Mr. Bogdon took and successfully passed the 8-hour Washington state specific PLS exam. In 1996, Oregon required successful passage of the 6-hour NCEES PLS exam. The Committee was tasked with whether or not to consider the 8-hour Washington state specific PLS exam in 1996 as substantially equivalent to the 6-hour NCEES PLS exam that Oregon required at that time. The Committee discussed the exam dates and determined that the comparison would need to come from the Washington Board of Registration for Professional Engineers and Land Surveyors. It was moved and seconded (Kent/Boyd) to request proof from the Washington Board of Registration for Professional Engineers and Land Surveyors of the 8-hour Washington state specific PLS exam's equivalency to the 6-hour NCEES PLS exam. There was no additional discussion. The motion passed unanimously.

Staff update: George Twiss, Administrator of the Washington Board of Registration for Professional Engineers and Land Surveyors contacted Ms. Lopez regarding Mr. Bogdon's Washington exam. Mr. Twiss provided that the exam administered by the Board in 1996 was substantially equivalent to the NCEES 6-hour PLS exam. He explained that historically, the Washington Board of Registration for Professional Engineers and Land Surveyors always accepted the 6-hour NCEES as equivalent to the 1996 Washington exam, which was offered as an 8-hour exam at the time. The Washington state-specific 8-hour exam consisted of a 4-hour morning portion and a 4-hour afternoon portion. During the 4-hour morning portion, the exam consisted of 10 total questions of 10 points each, each item being either an essay response or calculation. During the 4-hour afternoon portion, the exam consisted of 30 total questions, 24 of which were multiple choice and 6 were essay response or calculation. At that time, Washington did not use the 6-hour NCEES exam. He further explained that in 1997, the Washington Board of Registration for Professional Engineers and Land Surveyors changed over to the NCEES 6-hour exam, and the current 2-hour [Washington] state-specific exam. Mr. Twiss summarized that it is the Washington Board of Registration for Professional Engineers and Land Surveyors position is that the Washington 8-hour state-specific exam used in 1996 is substantially to the NCEES 6-hour PLS exam.

France, Timothy – Mr. France submitted a civil PE application for registration by comity. Mr. France selected "yes" when asked, "have you ever had a professional engineering, land surveying or photogrammetric mapping registration denied, revoked, suspended, surrendered, stipulated, on probation or been subject to any restriction or disciplinary action in any jurisdiction?" Mr. France provided a letter summarizing the incident in his own words. Chair Kent and Ms. Duquette expressed that they would like to see the final order on Mr. France's case from the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors. The Committee agreed and directed staff to contact the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors for the final order.

Application Form and Final Orders: Additional discussion occurred regarding the application form. Ms. O'Neill added that applicants often provide final orders, but are not required to do so at the time of application. AAG Lozano inquired if the application form could be edited to require final orders to be attached. The Committee discussed and directed staff to update the form to require final orders when applicants select "Yes" to the question "have you ever had a professional engineering, land surveying or

photogrammetric mapping registration denied, revoked, suspended, surrendered, stipulated, on probation or been subject to any restriction or disciplinary action in any jurisdiction?" The Committee will revisit the matter in April 2015.

Gerges, Rafik – Mr. Gerges submitted a structural PE application for registration by comity. Staff reported that Mr. Gerges' NCEES credentials evaluation indicates deficiency in ten semester credit hours in general education. An official copy of his NCEES credentials evaluation was provided to the Committee. Staff reported that Mr. Gerges would need to demonstrate an additional ten months of experience in addition to the six years of experience required in OAR 820-010-0230(1)(a) and 820-010-0417(1)(c) using the education experience matrix. It was moved and seconded (Duquette/Burger) to accept the combination of Mr. Gerges education and experience as qualifying for structural PE registration by comity. There was no additional discussion. The motion passed unanimously. There was no further discussion.

Lou, William – Mr. Lou submitted a PE application for registration by comity. On November 13, 2014, a NCEES record transmittal was received by the Board containing information from NCEES and the California Board of Professional Engineers, Land Surveyors and Geologists (California BPELSG) indicating that Mr. Lou had his fundamentals exam waived by California BPELSG in 2013 on the basis of education and experience (but had not passed FE examination). Mr. Lou's exam was processed by the Board on December 10, 2014. By that time, Mr. Lou had requested the California BPELSG to submit an updated verification to NCEES and a second NCEES record transmittal was submitted to the Board as a result on December 11, 2014. The second NCEES submittal indicated that Mr. Lou had passed the NCEES FE exam. A third NCEES record transmittal was received at the Board office on February 12, 2015, which reconciled the discrepancy between the November and December NCEES record transmittals. The third record transmittal explained that Mr. Lou passed the FE exam in California on January 7, 2015. Denial of the application was recommended to the Committee because Oregon law requires comity applicants to have obtained their PE registration in another jurisdiction in the same manner that it would have been obtained in Oregon at the time, in order to obtain Oregon PE registration by comity (ORS 672.148(1)(d)). Ms. Lopez explained that at the time Mr. Lou was granted a license in California, Oregon required successful passage of the FE exam to obtain registration (ORS 672.105); whereas California waived passage of the FE for registration. AAG Lozano explained that current Oregon law does not allow the Board to grant comity licensure to applicants who obtained out-of-state licenses in a different manner than how they would have been required to in Oregon, even if the FE exam was passed afterward. Rather than make a recommendation on the application under the law as it currently stands, the Committee discussed the option to table the matter pending the outcome of proposed Senate Bill 297. If passed, the bill would allow comity applicants who have met the FE, PE, education, and experience requirements to obtain registration in Oregon, regardless of the order in which they obtained those requirements (presuming there is no professional discipline or other factors that would result in application denial). Through general consensus, the Committee determined to table Mr. Lou's application for registration by comity pending the outcome of proposed Senate Bill 297. If Mr. Lou contacts the Board regarding a preference that the Board review the application under current law by March 3, 2015, the application will be included on the Board agenda for the May 10, 2015 Board meeting. There was no further discussion.

Staff update: After conducting further research, OAR 820-010-0455 provides an exemption that would allow Mr. Lou to obtain registration in Oregon by comity. Mr. Lou would need to provide evidence that he is enrolled as an EI and will be asked to submit any such evidence to the Board office prior to the next meeting in March to complete his application for licensure by comity.

Murphy, Aaron – Mr. Murphy submitted a civil PE application for registration by comity. Staff reported that Mr. Murphy’s NCEES credentials evaluation indicates that he is deficient in twenty-nine semester credits in math/basic science, nine semester credit hours in general education and eight semester credit hours in engineering science and design. An official copy of his NCEES credentials evaluation was provided to the Committee. The Committee reviewed the documentation provided. The application showed that Mr. Murphy had eleven years and five months of qualifying experience. It was moved and seconded (Duquette/Boyd) to accept the combination of Mr. Murphy’s education and experience as qualifying for civil PE registration by comity. There was no additional discussion. The motion passed unanimously. Ms. Duquette requested that the Committee revisit the education and experience matrix during the next scheduled Committee meeting. There was no further discussion.

Paul, Clare – Ms. Paul submitted a civil PE application for registration by comity. Staff reported that Ms. Paul’s course work completed from Purdue University and South Dakota School of Mines and Technology demonstrates two of the required six of nine courses identified in OAR 820-010-0225(1)(d). The office of the Registrar from Purdue University and the Dean of Graduate Education from South Dakota School of Mines and Technology has submitted information on the courses taken by Ms. Paul. The Committee discussed if Ms. Paul’s Purdue University and South Dakota School of Mines and Technology official course descriptions fulfill the remaining course requirements listed in OAR 820-010-0225(2)(d). Chair Kent verified with staff that the course information was from the time period that Ms. Paul participated in the courses (1970s). With only two of the required six of nine courses identified as in fulfillment of the requirements listed in OAR 820-010-0225(2)(d), Chair Kent suggested the education is not substantially equivalent. It was moved and seconded (Duquette/Kent) to deny Ms. Paul’s civil PE application for registration by comity due to the deficiencies in education requirements, with the additional coursework found to be inequivalent. There was no additional discussion. The motion passed unanimously.

Romans, Jeffrey – Mr. Romans submitted a mechanical PE application for registration by comity. Mr. Romans selected “yes” when asked, “have you ever had a professional engineering, land surveying or photogrammetric mapping registration denied, revoked, suspended, surrendered, stipulated, on probation or been subject to any restriction or disciplinary action in any jurisdiction?” Mr. Romans provided a letter of explanation and the final order from the Montana Board of Professional Engineers. According to Mr. Romans, his professional engineering license had lapsed in 2008 due to an internal clerical error, and once the error was discovered, he made application to reinstate his license as his firm had performed an engineering project in the state of Montana during the time period. The Committee found the violations Mr. Romans explained in his letter to be consistent with Final Order issued by the Montana Board of Professional Engineers. Mr. Romans explained in his letter that he was then reinstated and has since chosen to allow the license to become inactive. Chair Kent inquired if this action is severe enough to deny

his application. Mr. Burger responded [no], and due to Mr. Romans' reinstatement, he does not sense the likelihood of this behavior becoming a pattern. AAG Lozano, Ms. Lopez and Ms. Duquette noted that if Mr. Romans was licensed in Oregon during the time his license lapsed in Montana, OSBEELS may have the ability to discipline Mr. Romans; however, he has not been licensed in Oregon. OSBEELS' definition for rules of professional conduct only allows OSBEELS to discipline Oregon registrants (including EIs and LSIs). It was moved and seconded (Kent/Boyd) to include Mr. Romans' mechanical PE application for registration on the comity list. Although the Committee did not express concern regarding Mr. Romans' prior violation, AAG Lozano explained that if the Committee was concerned and wished to refuse to issue (deny) registration or certificate of enrollment based on the applicant's violation of a board rule of professional conduct in another state, the professional conduct rules would need to be addressed by the Rules and Regulations Committee (RRC). AAG Lozano clarified that denial of enrollment certificates and registration for violations of the board rules of professional conduct is allowed under ORS 672.200(6), but not included in the rules themselves. It was moved and seconded (Kent/Duquette) to refer OAR 820-020-0005(1) and (2) to the RRC for discussion. The Committee continued its discussion on OAR 820-020-0005(1) and (2). AAG Lozano and Chair Kent provided examples from other states that hold the ability to discipline or deny applicants based on prior actions in other states. The motion passed unanimously.

Wu, Yu-Yih – Mr. Wu submitted a mechanical PE application for registration by comity. Staff reported that Mr. Wu does not meet the minimum requirements for registration and has not passed a FE or PE exam. As a result, staff recommended issuing a NOI to deny Mr. Wu's application. It was moved and seconded (Duquette/Burger) to deny Mr. Wu's mechanical PE application for registration by comity. There was no additional discussion. The motion passed unanimously.

1st Registration

Joo, Jai-Young – Mr. Joo submitted a mechanical PE application for 1st registration. Staff reported that Mr. Joo's NCEES credentials evaluation indicated deficiency in twenty-five semester credit hours in engineering sciences and design. An official copy of his NCEES credentials evaluation was provided to the Committee. However, Mr. Joo's application showed that he had 8 years and 2 months of qualifying experience. Utilizing the education and experience matrix, staff recommended the Committee approve Mr. Joo's combination of education and experience as qualifying for registration by 1st registration. It was moved and seconded (Duquette/Boyd) to accept Mr. Joo's mechanical PE application by 1st registration. There was no additional discussion. The motion passed unanimously.

Kim, Hyunsong – Mr. Kim submitted a mechanical PE application for 1st registration. Staff reported that Mr. Kim's NCEES credentials evaluation indicated deficiency in an academic program in math/basic sciences, specifically general chemistry. An official copy of his NCEES credentials evaluation was provided to the Committee. Mr. Kim's application also showed that he had 5 years and 10 months of qualifying experience. The Committee discussed the deficiencies and if the combination of education and experience would qualify. It was moved and seconded (Kent/Duquette) to accept the combination of Mr. Kim's education and experience as qualifying for mechanical PE registration by 1st registration. There was no additional discussion. The motion passed unanimously.

Nomura, Hiroshi – Mr. Nomura submitted a mechanical PE application for 1st registration. Staff reported that Mr. Nomura’s NCEES credentials evaluation indicated deficiency in seven semester credit hours in engineering sciences and design. An official copy of his NCEES credentials evaluation was provided to the Committee. Mr. Nomura’s application also showed that he had 7 years and 10 months of qualifying experience. The Committee discussed the credentials evaluation and staff’s recommendation. It was moved and seconded (Duquette/Boyd) to accept the Mr. Nomura’s education and experience as qualifying for mechanical PE registration by 1st registration. There was no additional discussion. The motion passed unanimously.

Files Subject to Monitoring

The Registration Department staff provided a list of files currently being monitored, which also included a list of hearings requested and each hearing’s status. AAG Lozano briefly explained the purpose of a Motion for Summary Determination and provided status updates on contested cases.

Contested Case Updates

Breen, Joshua – AAG reported that a Motion for Summary Determination was filed and the OAH hearing date is scheduled for 3/17/2015.

Lake, Marshall L. – The OAH hearing date was scheduled for 02/24/2015; however, AAG Lozano explained that the matter was delegated to another AAG who filed a motion and did not prevail because some of the evidence was not attached. AAG Lozano will report any efforts to rectify the error and key dates moving forward.

Morse, Katelyn – AAG Lozano reported that she intends to file a Motion for Summary Determination and the OAH hearing date is scheduled for 7/28/2015.

Rickard, William – AAG Lozano reported that the Board filed a Motion for Summary Determination and won. An OAH hearing will not be required. In March 2015, the Board will consider the ruling Motion for Summary Determination and proposed order from the Administrative Law Judge, and determine whether to issue a final order or amended proposed order.

The meeting adjourned at 11:08 a.m.