



Oregon

STATE BOARD OF EXAMINERS
FOR ENGINEERING &
LAND SURVEYING

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EXAMINATIONS & QUALIFICATIONS COMMITTEE

Minutes of Meeting
April 10, 2015

Members present:

Jason Kent, Chair
Steven Burger
Shelly Duquette

Members absent:

William Boyd (excused)

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 9:00 a.m. in the OSBEELS Conference Room at 670 Hawthorne Avenue SE, Suite 220, Salem, OR 97301.

Public Comment

There was no public comment.

Informational

NCEES Engineering Education Standard

Staff provided the Committee with correspondence from Stef Goodenow, NCEES Director Member Services, regarding the April 2015 revised NCEES Credentials Evaluations Policies and Engineering Education Standards to establish non-ABET-accredited engineering degree programs. It was noted that significant changes include the addition of up to 6 credits of courses in management, accounting, written and oral communication, and business and law; which can now be included in the General Education category. The NCEES Credentials Evaluations

Department will still use set criteria for the types of education they evaluate; however, the department can evaluate any combination of education with Board permission.

Mr. Burger commented that the revisions are small steps in the right direction. Chair Kent wondered if the Committee wished to further address the changes. Ms. Duquette suggested delaying any actions until issues, concerns or complications arise. There was no further discussion.

Pearson VUE Policy

Staff notified the Committee of the new February 2015 Pearson Virtual University Enterprises (VUE)'s policy on eyeglasses, such as Google glass. The Committee recognized the importance of staying up-to-date on policy changes at testing centers. There was no further discussion.

Transition of PS Exam to Computer-Based Testing (CBT)

NCEES issued notification on February 24, 2015 that the Board of Directors received a recommendation from the Committee on Examinations for Professional Surveyors to transition the Professional Surveying (PS) exam from pen-and-paper format to computer-based testing (CBT) format. The notification accounted that the April 2016 exam administration will be the last PS exam offered in pencil-and-paper format and registration for the CBT exam will begin in mid-2016. Ms. Lopez noted that if SB 297 does not pass, this change may mean year-round testing for the PS exam at OSBEELS. Ms. Lopez will contact the Committee Administrator of the House Committee on Business and Labor to find out the status of SB 297. She will also reach out to the associations for additional support. There was no further discussion.

Unfinished Business

Matrix for deficient NCEES Credential Evaluations

The Committee reviewed the OSBEELS Education for Experience Matrix, which the Committee has utilized for deficient NCEES credit evaluations. Ms. Duquette noted that the Matrix lists OAR 820-010-0227(6) doesn't apply and suggested sections (2) and (5) apply. The Committee agreed with Ms. Duquette's suggestion and requested staff revise the document to indicate OAR 820-010-0227(2) and (5), and OAR 820-010-0228(2) and (5). There was no further discussion.

Title Violations

Draft Letter of Concern

Staff provided a draft letter of concern to issue individuals who submitted applications indicating the incorrect use of the "engineer" title. During the March 10, 2015 Board meeting, the Board approved a policy allowing the Committee issue letters of concern to such applicants in lieu of referring the title violation(s) to the Law Enforcement Committee (LEC). AAG Lozano informed the Committee she will be providing minor changes to the draft. Through general consensus, the Committee approved the draft letter of concern as amended. However, during the February meetings, the Committee determined the following list of applicants used the title "engineer" without professional registration prior to Board approval of the policy change:

- *Armas, Josune*
- *Arnzen, Travix*
- *Barkat, Ousama*
- *Brennen, Noah*
- *Coulter, Devin*

- *Furman, Courtney*
- *Halamay, Douglas*
- *Hoxmeier, Gabriel*
- *King, Jill*
- *Murphy, Sean*

As a result of the policy change, it was moved and seconded (Kent/Duquette) to issue letters of concerns as amended to the following ten applicants for their use of title “engineer” on exam application(s) without professional registration. There was no additional discussion. The motion passed unanimously. Staff wondered if the Committee would be interested in granting registration staff the authority issue the letters of concern to such applicants without Committee direction. Chair Kent requested that the Committee continue to review all potential title violations and determine issuing the letters of concern by Committee vote. It was then moved and seconded (Kent/Burger) to issue letters of concerns to the following three applicants in lieu of forwarding the applications to the LEC:

- *Antonishen, Michael*
- *Kraxberger, Kyle*
- *Hammond, Thomas*

Fundamentals Exam Memo

During the February 13, 2015 Committee meeting, there were three applicants who submitted the FE short form (Senior Standing) with a verification of enrollment and did not appear to be currently enrolled in their senior year. As a result, staff recommended issuing NOIs to deny the applications; however, the Committee decided to table the matter(s) until the April 2015 Committee meeting in order to provide time to receive an explanation from Mr. James R. Lundy, Executive Associate Dean of the College of Engineering at Oregon State University. Mr. Lundy’s response was provided to the Committee for discussion. In his response, Mr. Lundy explained that at the time the students’ statuses were evaluated, they had senior status and were expected to graduate. He explained that the college made a good faith effort to accurately identify applicants that are seniors although some students will not graduate in a timely manner due to other circumstances. There was no further discussion.

Recommendation for Denial

Lou, William – During the February 13, 2015 meeting, the Committee discussed Mr. Lou’s PE application for registration by comity and determined to table his application pending the outcome of proposed Senate Bill 297. After conducting further research, staff identified a potentially applicable exemption under OAR 820-010-0455 that may allow Mr. Lou to obtain registration in Oregon by comity. This would require Mr. Lou to provide evidence that he is enrolled as an EI. He was asked to submit any such evidence to the Board office prior to March Board meeting to complete his application for licensure by comity.

Ms. Lopez noted that Mr. Lou passed his PE exam in CA in 2012 and later passed his FE exam in CA in 2015; however, she informed the Committee that by California law, an individual’s EI certification becomes invalid once professional registration is obtained. Therefore, CA cannot lawfully issue Mr. Lou EI certification. Ms. Lopez reminded the Committee that SB 297 aims to resolve these issues. Chair Kent wondered if the Committee could issue Mr. Lou a letter recommending he request NCEES forward his FE results to the

Washington Board in order to obtain EI certification there. AAG Lozano noted that the letter must be clear that EI certification in Washington is not guaranteed. The Committee directed staff to send Mr. Lou correspondence informing him that the Committee has tabled the application pending the outcome of SB297. There was no further discussion.

New Business

Smouse, Jill – Ms. Smouse was approved for the April 2015 Oregon Specific Forest Engineering examination. On March 12, 2015, the Board office received a letter from Ms. Smouse requesting to withdraw her application due to a work-related relocation and forward her application approval and fees to the spring 2016 exam. Staff reminded the Committee that pursuant to OAR 820-010-0442(2)(b), requests to withdraw from the April 2015 exam were required to have been submitted by March 1, 2015. It was moved and seconded (Kent/Burger) to deny Ms. Smouse's request to withdraw from the April 2015 Oregon Specific Forest Engineering examination as the request was submitted past the March 1, 2015 deadline per OAR 820-010-0442(2)(b). There was no additional discussion. The motion passed unanimously.

Review of Exam Applications

PE Exam

Carandang, Eric – Staff reported that Mr. Carandang has requested that his application approval and fees received for April 2013 exam be forwarded to the October 2015 exam administration. In 2013, Mr. Carandang's reapplication to take the April 2013 Mechanical PE exam was approved. Pursuant to OAR 820-010-0442(2), he withdrew his application and forward the approval and fees paid to the October 2013 examination. In August 2013, Mr. Carandang provided a copy of his deployment orders and requested that his application and fees be forwarded to the April 2015 exam administration; his request was granted. AAG Lozano noted that Mr. Carandang was a service member during the applicable time period(s) and reminded the Committee that the Servicemembers Civil Relief Act (SCRA) also applies to fees, CPD credits, default final orders and more. Through general consensus, the Committee agreed to approve Mr. Carandang's request to apply his application approval and fees received for the April 2013 Mechanical PE exam to the October 2015 exam administration. There was no further discussion.

Rasberry, John D. – As discussed in previous Committee meetings as well as previous Law Enforcement Committee (LEC) meetings, Mr. Rasberry submitted an application to re-take the mechanical PE examination and requested a waiver of references per OAR 820-010-0212(1)(c)(C). Mr. Rasberry's request was considered during the October 10, 2014 Committee meeting and was referred to the LEC for potential title violations. During investigation, it was found that untruthful statements were made on the application, including the reference form completed by Oregon registrant Mark Sodaro. Staff informed the Committee the reference form containing false information completed by Mr. Sodaro aimed to verify a portion of Mr. Rasberry's experience; therefore, the experience claimed under Mr. Sodaro was removed for Committee's review. Staff recapped on related-decisions made during the April 10, 2015 Rules and Regulations Committee (RRC) meeting. AAG Lozano added that in the past, the Committee has approved requests for waivers of references for individuals who worked within an industrial exemption, but not for cases where the applications also contained untruthful statements, so this was a matter of first impression for the committee. Ms. Duquette stated that what concerned her particularly was the length of time Mr. Rasberry had worked in the field of engineering, noting

that regardless of the specific discipline, he should be able to produce adequate references with his amount of experience. It was moved and seconded (Duquette/Burger) to deny Mr. Rasberry's request for a waiver of references, with an alternative offered to Mr. Rasberry of a two-month deadline to obtain and submit the references need to complete his application. He may also request to withdraw his application if he is unable to meet the reference requirements. If he chooses to withdraw his application, he may submit a new application in the future and his current application would simply be closed without the issuance of denial. If Mr. Rasberry does not exercise either of these options, a recommendation for denial will be presented to the July Board meeting for consideration. For discussion, Chair Kent and Mr. Burger wondered why Mr. Rasberry would include Mr. Sodaro as a reference if Mr. Rasberry had in fact obtained the required experience in other employment. Burger opposed and the motion passed by majority vote.

Singh, Jaideep –Mr. Singh submitted an electrical PE application for examination. Staff reported that Mr. Singh's NCEES credentials evaluation indicated deficiency in ten semester credit hours in general education. An official copy of his NCEES credentials evaluation was provided to the Committee. Mr. Singh's application also showed that he had four years and ten months of experience verified by a supervisory PE. The Committee discussed the credentials evaluation and reviewed the Board's policy on deficient general education credit. It was moved and seconded (Kent/Burger) to accept the Mr. Singh's coursework and experience as qualifying for the electrical PE exam. There was no additional discussion. The motion passed unanimously.

Comity

Akula, Deepareddy – Ms. Akula submitted a civil PE application for registration by comity. Staff reported that Ms. Akula's NCEES credentials evaluation indicated deficiency in ten semester credit hours in general education. An official copy of her NCEES credentials evaluation was provided to the Committee. Ms. Akula's application also showed that she had five years and eight months of experience verified by a supervisory PE as well as ten months of experience as a licensed professional in Texas. The Committee discussed the credentials evaluation and reviewed the Board's policy on deficient general education credit. It was moved and seconded (Kent/Burger) to accept Ms. Akula's coursework and experience as qualifying for the civil PE registration by comity. There was no additional discussion. The motion passed unanimously.

Breyer, Kenneth – Mr. Breyer submitted a civil PE application for registration by comity. Staff reported that Mr. Breyer's NCEES credentials evaluation indicated deficiency in three semester credit hours in biology. An official copy of his NCEES credentials evaluation was provided to the Committee. Mr. Breyer's application also showed that he had seven years and eight months of experience as a professional registrant in California. The Committee discussed the credentials evaluation and Mr. Breyer's three-credit deficiency in biology. Chair Kent commented that calculus-based general physics and general biology courses were grouped together, which he described as an interesting pairing. Ms. Duquette and Chair Kent pointed out that Mr. Breyer's evaluation indicates credits completed in algebra-based physics. AAG Lozano also noted that Mr. Breyer has additional experience beyond the minimum requirements. It was moved and seconded (Kent/Duquette) to accept Mr. Breyer's coursework and experience as qualifying for the civil PE registration by comity. There was no additional discussion. The motion passed unanimously.

Bumstead, Thomas – Mr. Bumstead submitted a civil PE application for registration by comity. Mr. Bumstead 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?” and provided the stipulation and agreed order, and statement of charges issued by the State of Washington Board of Registration for Professional Engineers and Land Surveyors (WA Board). Mr. Bumstead provided a letter issued by the WA Board indicating that his case file was removed from the WA Board’s compliance-monitoring program. Chair Kent speculated the OSBEELS may have also suspended Mr. Bumstead’s licensed if the violations were made in Oregon. Duquette pointed out the order stipulates that Mr. Bumstead cannot complete work until he provides completion of ordered college courses. Chair Kent asked staff if the OSBEELS office has received notification that the ordered courses have been completed; staff explained that a request for documentation of completion of ordered courses has not been issued to Mr. Bumstead. It was moved and seconded (Kent/Burger) to table further discussion on the application and direct staff to request transcript of Mr. Bumstead’s completion of the ordered courses as stipulated in the agreed order. There was no additional discussion. The motion passed unanimously.

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?” During the February 13, 2015 meeting, the Committee reviewed Mr. France’s application and directed staff to contact the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors (OK Board), which is where Mr. France is licensed and is the board that disciplined him, for the final order. Mr. France’s letter of explanation, a copy of the formal complaint, consent order, and final order issued by the OK Board was provided to the Committee. The Committee found the violations Mr. France explained in his letter to be consistent with final order issued by the OK Board. It was moved and seconded (Kent/Duquette) to include Mr. France’s civil PE application for registration on the comity list. For discussion, Ms. Duquette commented that she disagreed with the OK Board’s final decision on the case. The motion passed unanimously.

Steele, Strider – Mr. Steele submitted an electrical PE application for registration by comity. Staff reported that Mr. Steele provided an official verification from the Texas Board of Professional Engineers (TBPE) verifying his successful passage of the NCEES 8-hour PE architectural engineering examination. Staff pointed out that the OSBEELS does not offer the architectural engineering discipline; however, Mr. Steele’s NCEES record demonstrates nine years and two months of electrical experience. AAG Lozano reminded the Committee that under the Board’s statutes, experience cannot be substituted for examination, only for education. The Committee reviewed the percentage of electrical-based questions on the NCEES 8-hour PE architectural engineering examination. The Committee found that the architectural exam includes only twenty electrical-based questions, whereas the electrical PE exam tests forty electrical-based questions, and that the nature of the architectural PE exam electrical questions is broad, but shallow, whereas the electrical PE exam tests to much greater depth in the specific area of

electrical engineering. The committee, therefore, determined that the two exams were not substantially equivalent. It was moved and seconded (Duquette/Burger) to deny Mr. Steele's electrical PE application for registration by comity on the basis that the Committee did not find the NCEES 8-hour PE architectural engineering exam substantially equivalent to electrical PE exam. There was no additional discussion. The motion passed unanimously.

Sutherland, Neil – Mr. Sutherland submitted a mechanical PE application for registration by comity. Staff reported that Mr. Sutherland's application indicated three years and 1 month of experience verified by a supervisory PE reference, and therefore does not appear to meet the minimum experience requirement set forth in OAR 820-010-0230(1)(a). It was moved and seconded (Kent/Burger) to deny Mr. Sutherland's mechanical PE application for registration by comity on the basis that the minimum experience requirement was not met as set forth in OAR 820-010-0230(1)(a). 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 the status of each.

Contested Case Updates

Breen, Joshua – AAG Lozano reported that a Motion for Summary Determination was filed and the OAH hearing was held on 3/17/2015. She explained that further updates will be provided to the Board once hearing results are released.

The meeting adjourned at 10:28 a.m.