



Oregon

STATE BOARD OF EXAMINERS
FOR ENGINEERING &
LAND SURVEYING

RULES & REGULATIONS COMMITTEE
Minutes of Meeting
April 10, 2015

670 Hawthorne Ave. SE, Suite 220
Salem, OR 97301
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Members present:

Ken Hoffine, Chair
Jason Kent
Shelley Duquette

Members absent:

William Boyd (excused)

Staff present:

Mari Lopez, Board Administrator
Jenn Gilbert, Executive Assistant
Adaira Floyd, Social and Communications Media Specialist

Others present:

Katharine Lozano, Assistant Attorney General

The meeting of the Rules & Regulations Committee was called to order at 8:07 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

ORS 672.005(1)(d) and (e)

Staff informed the Committee that as a result of a case reviewed by Law Enforcement Committee (LEC) and an informal conference held in December 2014, the need to clarify ORS 672.005(1)(d) and (e) arose. OAR 672.005(1) states “(d) Surveying to establish lines, grades or elevations, or to determine or estimate quantities of materials require, removed or in place. (e) Surveying required for design and construction layout of engineering and architectural infrastructure.” The Committee briefly discussed the LEC’s review of the case and Mr. Hoffine shared his experience on a similar survey project. AAG Lozano reminded the Committee that the LEC found the respondent was in violation; however, it required a considerable amount of time and deliberation on the committee’s part, which is why he was not disciplined. The Committee provided AAG Lozano with a starting point based on a discussion of potential language to clarify what work is exclusive to PLS registrants when working with boundaries, boundary points, interpretations, and establishment of property corners. AAG Lozano pointed out that she will be

providing draft changes which can be refined prior to Committee recommendation to the Board. There was no further discussion.

New Business

OAR 820-020-0005(1) and (2)

AAG Lozano summarized that the draft revisions would allow the OSBEELS to discipline non-registrant individuals applying for registration or enrollment. The Committee reviewed the draft changes. It was moved and seconded (Kent/Duquette) to approve the draft changes and recommend the approve OAR 820-020-0005(1) and (2) as amended. There was no additional discussion. The motion passed unanimously.

Rules for Survey Monument Marking

During the March 10, 2015 Board meeting, the Board waived privilege on the DOJ advice regarding ORS 290.250 Survey Monument Marking. During the discussion, concerns were raised regarding the addition of information and the endless possibilities that may be included on monument markers. Ms. Gilbert reported that the Board forwarded the matter for the Committee to discuss and address any unintentional consequences and the impact to the public. As a potential solution, Chair Hoffine recommended adding “Oregon” and “only” to (8); through general consensus, the Committee agreed. It was moved and seconded (Duquette/Kent) amend the rule to allow only Oregon registration information on survey monument marking. There was no additional discussion. The motion passed unanimously.

Rules related to Grace Period Requests

Ms. Gilbert reported that as a result of the discussion held during the February 2015 LEC meeting, AAG Lozano drafted rules related to the continuing professional development request for a grace period as allowed in OAR 820-015-0026(3). In addition to the clarification made in OAR 820-010-0505, draft language included changing “renewal period” to “registration period” on all related instances to be technically correct with applicable statutes in OAR 820-010-0510, 820-010-0520 and 820-010-0635. It was moved and seconded (Kent/Duquette) to forward OAR 820-010-0505, 820-010-0510, 820-010-0520 and 820-010-0635 as amended to the Board for approval to begin the rule making process. There was no additional discussion. The motion passed unanimously.

The meeting adjourned at 8:50 a.m.