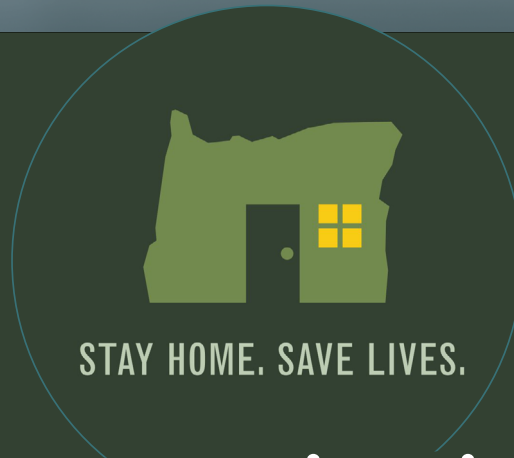


The Oregon Examiner

PUBLISHED BY THE OREGON STATE BOARD OF EXAMINERS FOR ENGINEERING & LAND SURVEYING

Spring 2020

COVID-19 Response
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OSBEELS Response to Situation Surrounding COVID-19 and Status of Board Operations

The Oregon State Board of Examiners for Engineering & Land Surveying (OSBEELS) would like to provide our registrants and stakeholders with an update on the Board's response to the situation surrounding COVID-19. In response to the ongoing pandemic the Board office has taken several proactive measures to ensure the health and safety of our office staff while doing our best to maintain core business operations.

At this time, the Board office is closed to the public in order to limit in-person interactions between staff and the public. Agency staff will continue to perform agency services and can be reached by

phone or email during regular business hours. The office's closure to the public will remain in place until further notice.

After receiving direction from the State of Oregon Governor's office, and much consideration, the OSBEELS made the decision to postpone the Board's April Committee meetings, originally scheduled for April 9-10. At this time, the Board is planning on holding Committee meetings on Monday, May 11, and its next regularly scheduled Board meeting on Tuesday, May 12. Additional meeting details will be provided to interested parties when the meeting dates near. If you wish to stay up-

to-date on upcoming Board meetings, please contact the Board office at osbeels.info@oregon.gov and request to be added to the interested parties list.

The COVID-19 outbreak is a rapidly changing situation from a public health perspective. The OSBEELS is committed to keeping registrants informed and taking the appropriate measures to ensure the health and safety of our staff and members of the public. To stay up-to-date on the latest information from the OSBEELS, please visit the Board website: oregon.gov/osbeels.

Board Members

Daren Cone, PE, PLS *President*
Dr. Sean St.Clair, PE *Vice President*
Christopher D. Aldridge, RPP
Erin Austin, Esq., Public Member
Renee Clough, PE, PLS
Shelly MC Duquette, PE, SE
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Mission

The mission of the Oregon State Board of Examiners for Engineering & Land Surveying (OSBEELS) is to regulate the practice of engineering, land surveying, photogrammetric mapping, and water right certification in the state as they relate to the welfare of the public in safeguarding life, health and property.



Administrator's Corner

This past January I attended the PLSO Annual Conference in Portland and found it to be a worthwhile experience. It was a well-organized event and the time I spent was extremely valuable. One of the sessions I attended was focused on how the Oregon State Board of Examiners for Engineering & Land Surveying (OSBEELS) investigates complaints and disciplines surveyors. While there was a lot of good information shared during this session, I also noticed there was a lot of confusion and misinformation that was being discussed related to these issues. With that in mind, I thought there would be value in providing a high-level overview of how we handle complaints that are submitted to the Board.

The vast majority of complaints we receive are filed by the public. By law, we are required to review/consider all complaints that are submitted to us. Once a complaint is received our staff investigators perform a preliminary review to evaluate what, if any, rules or statutes within OSBEELS's jurisdiction may have been violated. The investigators themselves are not able to make a final determination on this matter, however; they will present the complaint to the Law Enforcement Committee (LEC) for a preliminary review.

If the complaint is lacking information, the investigator may notify the person who filed the complaint (complainant) and give them a deadline to provide clarification related to the complaint prior to it going before the LEC. The LEC meets every other month throughout the year on even numbered months (February, April, June, etc.), with Board meetings taking place in odd numbered months (January, March, May, etc.).

As a result of law enforcement cases primarily being complaint-driven, the LEC and staff investigators do not

contact potential respondents until after a complaint has been reviewed and determined to be substantial enough to open a case. We understand respondent may be interested in providing a response at this stage of the investigation process, however, the LEC has taken the approach that if a submitted complaint does merit further investigation, then potential respondents do not need to be contacted until that determination has been made during a preliminary review.

After review, if the LEC determines a complaint is insufficient or outside of OSBEELS's jurisdiction, it will decline to open a case, and the complainant will be notified. If the LEC determines there is reason to move forward with a formal investigation, the investigator will contact the person the complaint is about (Respondent), who then has an opportunity to respond to the allegations and provide information they feel is relevant to the matter. The complainant and respondent can communicate directly with the investigator at any time during this process to ask questions or request information. The investigator will not always contact the complainant during an investigation unless additional information is needed. After receiving responses, the investigator will then review all the information provided by

both the complainant and the respondent, and compile a case summary to be presented to the LEC, who then determines whether there has been a violation of statute and/ or rule.

If after thorough review of the case, the LEC determines that there was no misconduct on the part of the respondent, or that the allegations at issue are outside the scope of OSBEELS's jurisdiction, the LEC may make a recommendation to close the case. This recommendation then goes to the full Board at its next meeting, who then decide whether to accept or reject the LEC's recommendation.

If after a thorough review of the case, the LEC determines there has been a violation, they will propose disciplinary actions and direct the investigator to issue a Notice of Intent (NOI). A NOI is a legal document that summarizes the allegations against the respondent, the proposed disciplinary actions from the Committee, and provides options to dispute the NOI should the respondent disagree with the allegations or disciplinary actions. The NOI is not a final order, and no action will be taken by the Board at this time. NOIs are mailed to the respondent via certified mail, and respondents are given 21 days from the issuing of an NOI to respond. If the respondent fails to submit a response, or if the 21 days expires before the respondent has submitted a response, OSBEELS will issue a Final Order by Default.

If a respondent receives the NOI and disagrees with the allegations, they can request an informal conference with the LEC during a meeting. This is an opportunity for the respondent to talk with the LEC about the issues identified in the NOI. The respondent can and should be ready to discuss why the allegations contained in the NOI are not accurate and/ or to negotiate terms for the proposed disciplinary actions.

If no settlement is reached during the informal conference, the respondent's right to a formal hearing with an Administrative Law Judge remains, and the case will proceed to hearing.

Continued on next page

Board Welcomes New Member Renee Clough



Renee Clough, PE, PLS, was appointed by Governor Kate Brown to the Oregon State Board of Examiners for Engineering & Land Surveying in March. Her nomination to join the Board was endorsed by the Professional Land Surveyors of Oregon.

Renee joins the Board with 19 years of experience in engineering and land surveying in Oregon. She earned her Bachelor's degree in Civil Engineering from Oregon State University and has been a member of the American Institute of Certified Planners since 2010. Renee became registered as a professional engineer in 2006 and as a professional land surveyor the following year in 2007.

Currently a Project Manager with Branch Engineering, Inc., Renee oversees and coordinates land development projects from inception to completion. Project

responsibilities regularly include: client relations, monitoring projects to ensure they are in compliance with local jurisdictions, preparing existing conditions mapping, and mentoring young professionals within the organization. She was previously part owner of Branch Engineering from 2006 until recently when she sold her stake of ownership in order to have more time to dedicate to volunteering and family activities.

Reflecting on what she is most excited about with this opportunity to join the Board, Renee responded, "I'm looking forward to being able to give back to the community. So many professionals have given a lot to the engineering and land surveying industries over the years, and I am honored to have the opportunity to give back."

Outside of work, Renee enjoys managing her daughter's Destination Imagination team, which took 18th at last year's Global Finals. She is also a certified powerlifting coach through the United States Powerlifting Association, and previously raced in triathlons. Renee and her family, which includes her husband, who is a structural engineer in Oregon, and daughter, enjoy adopting rescue animals.

The OSBEELS is looking forward to having Renee participate on the Board and share her vast professional land surveying and engineering experience.

OSBEELS does not provide a timeline for how quickly cases will be resolved because some cases will take longer than others due to the nature and complexity of the allegations. Cases are typically handled in the order complaints are received, but the LEC has the discretion to assign certain cases higher priority if they deem it necessary. In order to safeguard the public's life, health, and property, OSBEELS is dedicated to investigating cases in an efficient and thorough manner. However, there may be times when the process does not move as quickly as the parties or the public would like. OSBEELS hopes that in these situations, the parties understand that the LEC must be thorough in its case review to ensure that all parties are treated fairly and that the best resolution can be reached.

Again, this is a very high-level summary of what occurs during the complaint and investigation process. We have much more detailed information available online. Please see the following links on our website:

oregon.gov/osbeels/rulesstatutes/Pages/Rule-and-Statute-Enforcement.aspx

oregon.gov/osbeels/Documents/Flowchart/20170912-LEC-ComplaintFlowChart.pdf

Also, please feel free to contact me directly if you have any questions or feedback about our processes at Jason.Barbee@oregon.gov. While we have some legal limitations on what can be changed, I'm always open to hearing ideas on what could make our processes easier to understand and comply with.

Renewal Reminder Notice

If your **last name begins with S-Z**, your license expires on **June 30** and it's time to renew your registration. Download and print the Renewal Form and CPD Organizational Form on the OSBEELS website. If you have any questions, contact the Board office: osbeels.renewals@oregon.gov

Law Enforcement Cases

The following list contains law enforcement cases that resulted in disciplinary actions and became finalized during January-March 2020.

Case 2913 – Timothy Bossard

The Board and Mr. Bossard, PE, entered into a Settlement Agreement in case #2913 that resulted in a \$1,000 civil penalty for violating ORS 820-020-0055, negligent practice of engineering.

Case 3085 – Perry Gross

The Board issued a Default Final Order in case #3085, involving Mr. Gross, PE, that resulted in a \$1,500 civil penalty and 60-day license suspension for violating OAR 820-010-0635, failure to provide supporting documentation to verify completion of 30 PDHs, and OAR 820-020-0015(8), failure to cooperate with a Board audit, on three (3) occasions.

Case X0046 – Marvin Krush

The Board issued a Default Final Order in case #X0046, involving Mr. Krush, PLS, that resulted in a \$1,000 civil penalty for violating ORS 209.250(1), failure to file a survey within 45 days of establishing or reestablishing a boundary monument.

Case 3140 – Terry Jones

The Board issued a Default Final Order in case #3140, involving Mr. Jones, PLS, that resulted in a \$1,000 civil penalty for violating ORS 672.047(4), failure to provide adequate notice prior to entering upon land to perform surveying work.

Case 3015 – Terry Armentrout

The Board issued a Default Final Order in case #3015, involving Mr. Armentrout, PE, that resulted in a \$1,000 civil penalty for violation of ORS 672.045(1), engaging in the unlicensed practice of structural

engineering, and ORS 672.107(3), providing engineering services for significant structures without possessing a valid professional structural engineer certificate of registration.

Case X0023 – Thomas Baughman

The Board and Mr. Baughman, PE, entered into a Settlement Agreement in case #X0023 that resulted a \$5,000 civil penalty for violating ORS 672.107(3), ORS 672.045(1), ORS 672.045(6), engaging in the unlicensed practice of structural engineering on five (5) separate occasions.

Case X0019 – Ali Abolhassani

The Board issued a Default Final Order in case #X0019, involving Mr. Abolhassani, PE, that resulted in a \$1,500 civil penalty for three (3) violations of OAR 820-020-0045(4), failure to report license discipline issued by another licensing agency within 45 days.

Case X003 – John Heaton

The Board issued a Default Final Order in case #X003, involving Mr. Heaton, which stemmed from him performing 50 surveys over a two (2) year span while his license was delinquent. The conduct described above was the Board's basis for assessing a the following civil penalties: \$50,000 for 50 violations of ORS 672.025(1), engaging in the unlicensed practice of land surveying, (\$1,000 per violation); \$1,000 for 72 violations of ORS 672.045(2) and (4), falsely representing oneself as authorized to practice land surveying and using an expired certificate; and \$1,000 for three violations of OAR 820-020-0015(8), failure to cooperate with a Board investigation, for a total civil penalty of \$52,000.

Case 3057 – Daniel Sporer

The Board and Mr. Sporer, PLS, entered into a Settlement Agreement in case #3057 that resulted in a \$2,000 civil penalty for two (2) violations of ORS 209.250(1), 45-day filing violation, and two (2) violations of OAR 820-020-0015(8), failure to cooperate with the Board.

Case 3108 – Andrew Koltavary

The Board issued a Default Final Order in case #3108, involving Mr. Koltavary, that resulted in a \$4,000 civil penalty for violations of ORS 672.025(1), engaging in the unlicensed practice of land surveying, ORS 672.045(2), falsely representing oneself as authorized to practice land surveying, ORS 672.045(4), attempted use of an expired certificate, and ORS 672.045(6), practicing land surveying when not qualified.

Case 3073 – Chul Hwan Kim

The Board issued a Default Final Order in case #3073, involving Mr. Kim, PE, that resulted in a \$1,750 civil penalty and 60-day license suspension for failing to cooperate with a Board audit, violating OAR 820-010-0635(1)(e) and OAR 820-010-0635(7), and failing to provide proof of completion of CPDs in the 2013-2015 biennium, violating OAR 820-010-0635(1)(a). In addition to the previously mentioned violations, during the Board investigation process Mr. Kim violated OAR 820-020-0015(8), failure to cooperate with the Board, and it was discovered he failed to provide written notice within 30 days of an address change, violating OAR 820-020-0050(1).

Law Enforcement cases continued

Case 3136 – Gerald Wynne

The Board issued a Default Final Order in case #3136, involving Mr. Wynne, that resulted in a \$1,000 civil penalty for violation of ORS 672.045(1), engaging in the unlicensed practice of engineering.

Case X0001 – Richard Stein

The Board issued a Consent Order in case X0001, involving Mr. Stein, PLS, that resulted in a \$1,000 civil penalty for violations of ORS 209.250(2), insufficient survey narrative, 209.250(3)(f), insufficient description of monuments found, and OAR 820-020-0055, engaging in the negligent practice of land surveying.

Case 3103 – Bart Anderson

The Board and Mr. Anderson, PE, entered into a Settlement Agreement in case #3103 that resulted in a \$500 civil penalty for violating 820-020-0015(8), failure to cooperate with a Board audit of continuing education.

Case 3126 – Thomas Hubbard

The Board issued a Default Final Order in case #3126, involving Mr. Hubbard, that resulted in a \$1,000 civil penalty for violating ORS 672.045(1), engaging in the unlicensed practice of engineering.

Case 3122 – Matthew Dunckel

The Board issued a Default Final Order in case #3122, involving Mr. Dunckel, PLS, that resulted in a \$1,000 civil penalty and 180 day license suspension for violating OAR 820-020-0055, engaging in gross negligence of land surveying.

10 SYMPOSIUM

Join us for year 10 of our annual Symposium! The OSBEELS launched the event in 2010 with the intent of providing professionals an educational experience that engages and inspires while providing up to eight continuing professional development (CPD) hours. Fast forward 10 years and the OSBEELS has embraced the opportunity to showcase industry excellence and bring brilliant minds together.

As a new era of design, measurement, and structures are set to redefine the future of engineering, land surveying, and water rights examination in Oregon, Symposium 10 is excited to feature the accomplishments of the past and present, and take a glimpse into the future!

Stay tuned for more details on this year's presentation line up and registration in the next issue!

Friday September 25, 2020

For more details visit:

oregon.gov/osbeels/aboutus/Pages/2020-Symposium.aspx

Registration opens July 6

Professional Practices Committee Responds to Registrant Question

At recent Professional Practices Committee meetings, the members reviewed and responded to questions submitted by the professional community. Questions ranged from whether corporations need to register with the Board to offer services within the state to how registrants should respond when local jurisdictions require additional procedures or processes in addition to state laws and rules.

The first question pertained to what the requirements are for a corporation to offer and perform engineering services in the state of Oregon. Within the submitted question form it was noted the state of Oregon does not require corporations to register with the Board, or another professional board, in order to offer professional services while other states have this requirement.

After review and discussion, the Board members determined there are several scenarios that relate to corporations legally offering professional services within Oregon. In their response, the Board noted the following:

1. Any business, irrespective of location, with an Oregon-registered engineer on staff may offer engineering services in Oregon.
2. Any business, irrespective of location, without an Oregon-registered engineer on staff, but holding a proper certificate of registration in another state, for the business to engage in the practice of engineering, may offer engineering services in Oregon if: the offer includes a written statement that the offeror is not registered to practice engineering in Oregon but will have an individual holding valid Oregon registration as an engineer in responsible charge of any engineering work performed in this state.



3. Any business, irrespective of location, without an Oregon-registered engineer on staff, and without being registered in another state as a business authorized to engage in the practice of engineering, may not offer engineering services in Oregon.
4. A business that is registered in another state but does not have an Oregon engineer on staff may offer engineering services, but cannot practice engineering, and must follow the requirements of ORS 672.060(4).

The Board would like to remind members of the professional community, regardless of where a professional's office or corporation is located, an Oregon-licensed individual that is in responsible charge of a project is required to maintain an adequate amount of supervision and control over the project, per ORS 672.002(10).

The second question reviewed by the members pertained to local jurisdictions having additional requirements or ordinances in place for professional registrants when submitting work to city or county offices that are in addition to state laws and rules. The example provided

within the question was regarding a city office requiring a registrant to stamp every page of a submitted plan when the related Oregon Administrative Rules (OARs) and ORSs under the Board's authority do not require this.

Following a discussion, the members confirmed that the Board has no authority over what a local jurisdiction requires for project proposal or plan submissions. Meaning local jurisdictions are permitted to have procedures or processes in place that are in addition to the Board's laws and rules. Local jurisdictions are, however, not permitted to have local ordinances that do not meet, or decrease, the requirements of state laws and rules.

The Board encourages all professional registrants to consistently review Oregon statutes and rules under the OSBEELS' jurisdiction to ensure they are up-to-date on professional practice and conduct standards that may relate to their professional area of competence or services offered to the public. If you have any questions, please visit the Board website to submit a "Question for the Board" form.

Board Member Awarded PLSO Surveyor of the Year Honor

Board member, Tim Fassbender, PLS, CWRE, was recently awarded the 2019 Surveyor of the Year Award from the Professional Land Surveyors of Oregon (PLSO) association. A member of PLSO since 1974, this is the second time Tim has received the annual award; he was previously recognized as the Surveyor of the Year in 1992.

“Earning the award for the second time is just as special because it tells me I’m still helping PLSO and my efforts have been recognized by my fellow surveyors,” Tim stated when reflecting on what receiving this award means to him. Colleagues within the surveying community have taken notice; to be considered by the Board of Directors, a nomination must be endorsed by five PLSO members when submitted.

Currently the Chair-Elect for PLSO, Tim has also served as the organization’s Legislative Committee Chair for 23 years, Midwest Chapter President five times, and State Chair on three separate instances. His work this past year focused primarily on the revival of the organization’s strategic plan. The updated plan, that will guide the Board of Directors for the next three years, is the result of Tim hosting several all-day meetings with PLSO leadership and members to identify what the plan moving forward needed to focus on.

Tim attributed his approach to work and life, to “give more than you take”, to two great mentors in his life, his Dad and Orv Caswell, who was a former Oregon professional land surveyor.

In addition to the Surveyor of the Year award, Tim was also presented the Contagious Attitude Award at the 2020 PLSO annual conference. The organization recognized Tim’s contagious positive and can-do attitude as being key factors in the successful Strategic Plan updating process.

The Board would like to congratulate Tim on receiving the Surveyor of the Year Award and thank him for his time and effort within Oregon’s land surveying community.

Rule Updates

The following rules have completed the rulemaking process and been approved for permanent rulemaking by the Board at recent meetings. The purpose of sharing these updates is to ensure registrants are aware of updated rules and practicing in a lawful manner. Visit the OSBEELS website for more information on the Board’s rulemaking process and the statutes and rules within the Board’s jurisdiction.

More detailed discussions on these rule changes can be found within the minutes of recent Board and Committee meetings.

OAR 820-010-1020

Military Experience and Training

The Board amended rule language and procedures within OAR 820-010-1020, which outlines requirements for applicants using military experience and training to meet the minimum qualifications for professional engineering licensure. Amended language within the rule primarily pertained to the process for providing certified transcripts from the Joint Services Transcript Operations Service for evaluation by the Board. Additional procedural amendments related to applicant experience and training obtained within the United State Air Force and verifying such gained experience and training through direct correspondence with the Community College of the Air Force or Air University.

OAR 820-010-1030

Application for Temporary License as a Professional Engineer for Military Spouse or Domestic Partner

The new rule was adopted by the Board as a result of House Bill 3030 passing during the 2019 state legislative session. The bill allows professional licensing boards to issue nonrenewable, temporary authorization to a spouse, or partner, of a member of the Armed Forces of United States stationed in Oregon, and who holds eligible out-of-state authorization, to provide professional services. The rule defines the term “military spouse or domestic partner” and summarizes the qualifications and restrictions of the temporary, nonrenewable registration as a professional engineer. Individuals who qualify under the rule will be granted a license to practice within the state until the earliest of the following:

- A. Two years from issuance;
- B. The date the spouse of the temporary license holder completes their term of military service in Oregon; or
- C. The date the temporary license holder’s registration as a professional engineer in the other state expires.



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To receive the newsletter electronically, please provide an email address below. If you would prefer to receive the newsletter in print rather than electronically or at a different mailing address, please provide the preferred mailing address below. If you are already receiving the newsletter in the preferred format and at the correct location, submission of this form is not necessary.

You may return this form by email to osbeels.info@oregon.gov, by fax to 503-362-5454 or by mail to the address listed above. Please note, the contact information in which Board correspondence is sent will not be changed by submitting this form. Please utilize the Name/Address Change form (<https://goo.gl/9uTvyC>) to comply with Oregon Administrative Rule (OAR) 820-020-0050.

Registrant Information

First name	Middle name or initial	Last name	
Email Address		Registration or certificate number, if applicable	
To receive the print edition of <i>The Oregon Examiner</i> , please complete the information below.			
Mailing address (include any apartment / suite number)			
City	State / Province	Zip	Country