



## STRUCTURAL ENGINEERS ASSOCIATION OF OREGON

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August 27, 2018

Mari Lopez  
OSBEELS Administrator  
670 Hawthorne Ave SE # 220  
Salem, OR 97301



Dear Mari:

The board of the Structural Engineers Association of Oregon (SEAO) is writing this letter to correct the rulemaking and interpretation of the Professional Engineer license requirements in the State of Oregon to address the serious and consequential actions taken by OSBEELS after passage of SB297.

The issues we will address here have come to our attention through the Board's intent to deny the Professional Engineer (PE) license application to at least three individuals who passed the National Council of Examiners for Engineering and Surveying (NCEES) Structural I Principles and Practices Examination (PPE) in other states and who are currently licensed outside of the State of Oregon. All of these individuals applied for an Oregon PE license after the passage of SB297.

While this interpretation currently has only affected a small number of individuals, it will continue to impact engineers who obtained their PE license through the structures I exam which was discontinued in 2010. The SEAO board is concerned that this will affect the ability for our member organizations to recruit engineers to the state due to their lack of ability to obtain a license through reciprocity.

It is the SEAO board's understanding that during the 2015 Oregon legislative session, OSBEELS proposed new legislation that was purported to reorganize the statutes for licensure in Oregon. OSBEELS letter to Representative Holvey and the House Committee on Business and Commerce (dated 6/2/2015) establishes OSBEELS's intent for the legislation. In this letter, OSBEELS requested authority for "Housekeeping" and expressed clearly that the bill was "Not changing the requirements for registration." As the requirements were "Not changing", the engineering community took no objection to the bill SB297 as proposed by OSBEELS. The bill was supported by the professional community, and passed unanimously in both chambers, and was signed into law on June 25, 2015.

Prior to SB297, three (3) different Oregon Revised Statutes (ORS) provided paths to PE licensure in the state of Oregon. After passage of SB297, only a single ORS (ORS 672.098 Minimum qualifications for registration as professional engineer), establishes the legal qualifications for licensure. After passage, OSBEELS was responsible for establishing the practical regulations that qualify someone for licensing as a PE in Oregon through rulemaking. Because the statute is by nature ambiguous, OSBEELS must establish regulations that are faithful to the text and context of the legislation that gave it authority. That is to say, OSBEELS was required to make rules that, according to its own words, would not change the requirements for PE registration.

Through OSBEELS's position and filings in the cases mentioned above, it appears that OSBEELS has changed the requirements for PE registration by removing comity. This is in direct contradiction to the Board's request for SB297 and what the professional community understood and expected from the bill. Had OSBEELS stated in their request for SB297 that comity would be eliminated, there would have been strong push-back from this organization and others. Comity is exactly a set of requirements for registration that allows an applicant to become registered using their professional licensing credentials from an outside state. OSBEELS recognized comity prior to SB297. Comity requires that the education, experience, and examinations of an applicant be substantially equivalent to those in Oregon at the time of licensure. Comity has served Oregon as an essential and practical tool Structural Engineers of Oregon

that has enabled qualified professionals to obtain a license here without overly onerous applications and unnecessary requirements, all while safeguarding the life, health and property of the people of Oregon. We note that most states in the United States and all states that border Oregon allow comity.

Based on this interpretation the board of SEAO has a number of concerns. These are 1) if Oregon is not allowing comity for those licensed in other states then other states may stop recognizing Oregon PE's for comity in their state which would negatively impact Oregon's professional engineers ability to do work outside the state; 2) based on the current interpretation, if Oregon adopts a new exam for PE licensing down the road, then any individual who earned their PE in another state under the NCEES PPE: Civil (the current test) would no longer be able to get a license in Oregon. Currently in Oregon most young engineers get their PE in California due to their state rules allowing qualified professionals to take the exam a year sooner. Many of these young engineers do not attempt to get their Oregon license until later in their career. So this could become a major issue for a large portion of our membership down the road.

In addition to Professional Engineer (PE) licensing, Oregon has a Structural Engineering (SE) license – currently the licensing requirements for the SE license is the NCEES 16 hour exam. SEAO does not believe that these requirements should change. Like the PE, the SE exam has its predecessors – most states (including Oregon in the past) have accepted the SE exams from other states such as the Washington SE III (which existed from 1998-2011) or the California SE III (2004-2011). If Oregon is no longer accepting “substantially equivalent” PE exams, SEAO is concerned with the same approach being taken for the SE exam. SEAO does not suggest that the NCEES structure I exam be allowed for SE reciprocity only for the PE.

In summary the SEAO board is very concerned with the interpretation of the SB297 “housekeeping” bill. It has significantly changed the path to licensure in the state. The board believes that the words substantially equivalent should never have been removed as this changed the reciprocity rules, which the bill was not supposed to do. Had SEAO been made aware of the intent of these changes, they would not have been in support of this bill and responded accordingly to OSBEEL's letter to the House Committee on Business and Labor, dated June 2, 2015 (attached). SEAO recommends a re-evaluation of the interpretation of SB297 to return the path to licensure per the original language or that a new bill be constructed to correct what has been broken. The board thanks you for your consideration and is available for to discuss this issue further.

Sincerely,



Seth Thomas, PE, SE

On Behalf of the 2017/2018 SEAO Board of Directors

<https://www.seao.org/aboutseao/board/>

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Structural Engineers of Oregon



**Oregon**

Kate Brown, Governor

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June 2, 2015

House Committee on Business and Labor  
900 Court St. NE  
Salem, OR 97301

Re: SB 297-A

Dear Representative Paul Holvey, Chair and Committee Members:

SB 297-A was introduced by the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) as simply a housekeeping bill. SB 297-A does not establish new criterion for licensure; rather this Bill proposes to modernize the application process and to bring the OSBEELS statutes up-to-date.

The National Council of Examiners for Engineering and Surveying (NCEES) develops, administers, and scores the examinations used for engineering and land surveying licensure in all 50 states, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands. NCEES also facilitates professional mobility and promotes uniformity of the U.S. licensure process. They are currently working toward moving the professional practice-based examinations from a biannual paper examination to a year-round computer-based test. The first examination required for licensure is the fundamentals examinations that have been year-round, computer-based tests since January 2014. SB 297-A proposes to revise the statutes to keep up with the national examination procedures and to eliminate potential future conflicts resulting from administration changes.

The statutes currently require the basic qualifications of passing the fundamentals and the professional examinations, and gaining experience, to all applicants regardless of the type of application an applicant submits to the Board (i.e., applying for registration based on: examinations taken in Oregon; examinations taken in another jurisdiction; or on registration in another jurisdiction). The passage of SB 297-A does not change the qualification requirements for registration, but would allow an applicant to obtain the necessary qualifications for registration, including sitting for the required examinations, in any order convenient to the applicant, and prior to applying for licensure with OSBEELS.

Section 7 of the Bill allows a waiver of the fundamentals of engineering examination for qualifying applicants that hold an active license to practice in another jurisdiction for a minimum of 25 years. There are no jurisdictions that waive the fundamentals of land surveying examination. In 2013, Senator Betsy Johnson and Representative Wayne Krieger requested the Board to entertain a waiver of the fundamentals of engineering examination for individuals licensed in another jurisdiction. Current law requires applicants licensed in another jurisdiction to have obtained that license in a substantially equivalent manner that it would have been if the license was granted in Oregon at the time of licensure. This manner includes: first, successful passage of the fundamentals of engineering examination; second, obtain four-years of qualifying experience; and last, successful passage of a professional engineering examination. Although, many of these individuals were originally licensed in states that waived the fundamentals of engineering examination on the basis of education and/or experience, the Board, at present, must deny these applicants a license to practice engineering in Oregon because the applicant was permitted to bypass the first step, 25 years ago.

SB 297-A also resolves sections of the statutes for photogrammetric mapping, which have been overlooked in past legislative sessions.

Finally, as part of a continuing effort to safeguard the life, health, and the property of the public in the State, SB 297-A also proposes to allow OSBEELS to refuse registration if the applicant has violated a statute, rule, or professional/ethical standard in another jurisdiction that would be grounds to refuse, suspend, or revoke registration in the state of Oregon.

I would like to thank you for your time and consideration, please do not hesitate to contact me with any questions or concerns.

Respectfully submitted,

A handwritten signature in blue ink that reads "Mari Lopez". The signature is stylized and cursive, with the first letters of the first and last names being capitalized and prominent.

Mari Lopez  
Administrator