

# OREGON STATE BOARD OF GEOLOGIST EXAMINERS

## MEETING MINUTES

MARCH 3, 2023

### Members Present

Ericka Koss, RG/CEG, PE, Chair  
Megan Schettler, RG, Vice Chair  
Cindy Bartlett, RG  
Adam Reese, RG/CEG\*\*  
Paul Edison-Lahm, Public Member\*\*  
Ruarri Day-Stirrat, PhD, State Geologist

### Staff Present

Christine Valentine, Administrator

### Others Present\*\*

Nick Legg, RG  
Timothy Mullin, RG  
Beth Rapp, RG/CEG  
Tony Robinson, RG/CEG  
Michael Tardif, RG/CEG  
Eileen Webb, RG  
Kyle Martin, AAG, DOJ

\*Ex Officio member, did not vote on motions. \*\* Participation as noted in minutes.

GIT=Geologist in Training, RG=Registered Geologist, CEG = Certified Engineering Geologist, ASBOG=National Association of State Boards of Geology

*The Board conducted this meeting as a virtual meeting.*

### Meeting Opened

Chair Koss called the meeting to order at 9:03 AM. Board members Reese and Edison-Lahm were absent. Valentine reported that Edison-Lahm and Reese had scheduling conflicts. She expected Reese to join around 10 for about an hour and Edison-Lahm to join at noon for the remainder of the meeting. The Board had a quorum. Administrator Valentine was attending from the Board office. The Board was joined virtually by six Board registrants as noted in the attendance list. Chair Koss welcomed the guests to the meeting.

### Agenda Review

The Board reviewed the agenda. There were no changes requested.

*Bartlett moved to approve the agenda as presented. Vice Chair Schettler seconded the motion. Hearing no discussion, Chair Koss called the vote, and all approved.*

Valentine noted that Board counsel Martin was expected to join the meeting at 10 AM, to assist with any questions Board members may have related to the Application Review Report.

### Public Comment/Correspondence

None of the Board's guests had joined for the purpose of presenting public comment.

Valentine shared a recent email exchange with an individual asking questions related to temporary permits and public vs. non-public practice. This individual did not request that the inquiry come before the Board, but Valentine felt it raised some questions worthy of discussion. The individual applied for and has been issued a temporary permit for practice in Oregon, which resolved any immediate need for an interpretation. However, Valentine said the inquiry raises questions that staff cannot fully answer, thus the decision to bring this to the Board for review and as a learning opportunity. The Board discussed the work described by the individual and whether it was public practice. Since the work was being done for the company to include in a public offering, the Board felt it was clearly public practice. Bartlett noted that once mining-related reports are made public, they are often used by others as information sources about geology in the area covered. All elements of the work, from site visit, sample taking, analysis of samples, and preparing the report through stamp and signature were viewed as falling within public practice.

### **Minutes**

Chair Koss opened the review of the public session minutes from the 12/02/2022 meeting. No revisions were requested.

*Bartlett moved to approve the public session minutes for the 12/02/2022 meeting as presented. Vice Chair Schettler seconded the motion. Hearing no further discussion, Chair Koss called the vote, and all approved.*

### **Consent Agenda**

Valentine presented the consent agenda for Board review. For the record, the consent agenda included examination and application approvals from 11/16/2022 – 02/15/2023, debits from 11/15/2022 – 02/03/2023, and checks 5066 to 5095. The Board completed review of the consent agenda items and did not have questions about any specific items. There was general discussion about the continuing education audit process in terms of interpretation issues that arose in the review process during the quarter. A suggestion was made to consider development of a frequently asked questions document addressing interpretation issues encountered in audits, covering issues like but not limited to how the Board assesses activities that appear only tangentially related to geology practice and the types of documentation required to verify completion of different types of activities.

*Bartlett moved to approve the consent agenda. Vice Chair Schettler seconded the motion. Hearing no further discussion, Chair Koss called the vote, and all approved.*

### **Old Business**

➤ Review of Board Guideline Documents: No work was accomplished on this effort during the quarter. The Board would revisit this at the next quarterly meeting.

➤ Affirmative Action/Diversity-Equity-Inclusion Statement: Valentine shared that she received some limited feedback on the draft statement submitted for state review. She was addressing requests for various clarifications in the text, but there would be no substantive changes. She expected to finalize the statement and have it resubmitted within the next week. The Board discussed how to maintain focus on the aspirational goals included in the statement. The decision was to have Valentine include the goals as a reference in the quarterly meeting packets, with time set aside at least every other meeting to review and discuss progress related to the goals.

Chair Koss called for a break at 9:50 AM. She reconvened the Board at 10:00 AM. Reese joined at this time, along with counsel Martin.

## **Application Review Report**

➤ Evaluation of PE Supervision/Application for Engineering Geologist (EG) Exam: Valentine noted that the Board recently received its first application for the EG exam where the individual requested credit for work experience supervised under PEs. The Board was engaged in evaluation of this work experience compared to the requirements in Board rule.

Valentine gave an overview of how the Board got to the point of adding a new pathway to the EG exam and CEG, including the statute change obtained via 2019 legislation and then rule amendments development and adopted. She referred the Board to its rule 809-030-0022 - Supervisor Approval for Alternative Work Experience in Engineering Geology. This rule sets forth the requirements for qualifying work experience supervised under a PE. There are two components to the requirements. First, the Board must approve the supervisor. Second, the application must contain specified information about the supervisor. This rule ties back to Board rule OAR 809-030-0020, specifically OAR 809-030-0020(1)(b)(D) which defines the new alternative experience and education pathway for the EG exam and CEG registration. In this case, the Board has been asked to approve PE supervisors as part of an application to sit for the EG exam.

Per the Board's rule, a PE supervisor must:

- have 5 years of geotechnical engineering practice focused on Oregon, California, or Washington geologic sites and settings, where that practice occurred within the past 10 years;
- hold an active PE registration in good standing;
- demonstrate expertise in geotechnical engineering either by holding an active geotechnical engineer (GE) specialty certification or otherwise demonstrating this expertise through a geotechnical engineering projects list.

The Board can request any additional information from the candidate and the PE supervisor as deemed necessary to complete its review.

In this case, the application was brought to the Board due to questions about how to interpret what qualifies as "geotechnical engineering practice" for purposes of determining that the PE supervisors have the experience required under the Board rule. Valentine noted that engineering geology is defined generally in Board statute, whereas geotechnical engineering has been defined by OSBEELS in its rule 820-040-0040. As a default, the OSBEELS definition has been considered in relation to this application since the Board does not have the statutory authority to define an area of engineering practice.

The Board discussed how the rule addressing PE supervisors was envisioned as a way to provide a pathway for RGs working in a small, traditional geotechnical engineering firms where there were no CEGs on staff. The Board was not focused during rule development on other areas of engineering practice that might include some elements of geotechnical work, such as the water resources engineering work done by the applicant's PE supervisors. The Board felt that there are elements of water resources engineering that could potentially be described as geotechnical engineering work, but the PE supervisors did not describe their work and experience as being within the overlap area of geotechnical engineering and engineering geology. Reese and Chair Koss said the Board would need to connect many dots to conclude that the PE supervisors had worked in and had expertise in geotechnical engineering since this is not explicitly stated in the application materials received to date. This left the Board in a quandary as it is largely relying on a

PE supervisor to make the case for having done work in the overlap area of geotechnical engineering and engineering geology.

Valentine noted that the Board does not require a PE supervisor to hold a GE specialty registration. Since OSBEELS does not require a PE to hold the GE specialty registration to practice geotechnical engineering, the Board does not need to verify a GE. But the PE must be able to show work and expertise in the geotechnical engineering practice that has traditionally been considered to overlap with engineering geology.

The Board discussed whether it should relook at the rule with a lens of considering situations where a PE not in a traditional geotechnical firm might have expertise in areas of engineering practice that overlap with geotechnical engineering. Water resources engineering as related to geomorphology work was a body of work that the Board could envision as warranting further consideration. However, the process of evaluating the rule and potentially pursuing amendments would take time and not help with the current application before the Board. There was brief discussion of whether this might be an issue to take to the Joint Compliance Committee (JCC) with OSBEELS, but that was not thought to necessarily be the right venue.

There was a question posed about whether the Board was dealing with a statutory or rule issue. Martin stated that this is a rule language and interpretation issue, as the statute addressing specialty registration was amended in 2019. Valentine shared the statutory language and said there remains language in the statute for the RG that does not allow the Board to accept work experience under non-geologists for that registration.

Chair Koss invited Legg to address the Board. Legg asked about the intent of the rule and whether the combination of a supervisor being a licensed geologist and PE made a difference in the Board evaluation. Chair Koss said the intent of the rule is to allow for work experience credit where the PE supervisor can demonstrate work experience and expertise in the overlap area with engineering geology practice. Reese explained that the Board is not able to view work under an individual with geologist and PE licenses the same as work under a CEG. The challenges from the Board perspective of confirming work and experience in the overlap area were recapped.

The Board did not make a decision on the EG application. The Board decided to give the applicant additional time to discuss the matter with his PE supervisors and decide if the application would be supplemented with additional information about the PE supervisor's work and expertise.

➤ Crediting of Graduate-Level Coursework: Valentine presented a memorandum outlining staff concerns with the historical approach to crediting graduate-level coursework. The concern focuses on cases where a candidate seeks additional years of education (beyond the 2-year minimum required) for graduate coursework. Graduate degrees in geological science and other fields have been evaluated using different methods. For degrees in other fields, the Board has used a "year of study" calculation as found in the Board definition rule. Year of study is defined as 36 quarter hours or 24 semester hours.

Staff has been unable to determine from the rulemaking records the intent behind the original adoption in the 1980s of the "year of study" definition. Given how coursework has been traditionally counted based on the 45-quarter hr./30-semester hr. minimum standard, the purpose of having a separate "year of study" definition is far from clear. This is likely why it has been historically interpreted as applying only to the analysis of graduate studies for additional years of credit.

Valentine shared that the “year of study” definition calls for a graduate level credit load that is notably higher than the credit load for a geology graduate degree. She shared examples of graduate degree requirements for Portland State University and Oregon State University to illustrate this.

The Board decided that this was an area where input from the universities was needed in order to support an informed evaluation of the current credit requirements. The Board may determine that having a slightly different standard for non-geology degrees is appropriate, as the exposure to geological learning is likely different. The Board asked Valentine to craft questions to ask the university contacts at the institutions with geology degree programs.

Reese announced at 11:03 that he needed to depart.

### **Compliance Report**

➤ Open Complaint Cases: Valentine reported that there were no new cases. The Board did not have any open cases to discuss.

➤ Joint Compliance Committee (JCC): Valentine reported that the JCC has not met nor was there anything else to report related to the JCC. There was brief discussion about reaching out to OSBEELS to see if a JCC meeting for 2023 should be scheduled as a placeholder.

Chair Koss called from a break at 11:11 AM. Martin and Rapp departed at this time. She reconvened the Board at 11:20 AM.

### **Administrator Report**

➤ Narrative Report: Valentine addressed several topics from her written report:

She reviewed Governor Kotek’s written expectations for state agencies, boards, and commissions with the Board, touching on each of the specific requirements listed therein:

- Performance Reviews for Agency Directors
- Performance Feedback for Employees
- Measuring Employee Satisfaction
- Supporting Strategic Planning/Measuring Agency Performance (including IT needed)
- Succession Planning for the Workforce
- State Government Commitment to DEI Work
- Agency Emergency Preparedness
- Agency Hiring Practices
- Audit Accountability
- Developing New Employees and Managers

Strategic planning was the one requirement on the list that could prove challenging for the Board. The Board would likely need to hire a consultant to lead a strategic planning session and schedule an additional meeting for that session. Since guidance about overarching state goals that need to be addressed in strategic planning has not yet come out from the Governor’s Office or DAS, the Board decided to wait for this guidance before proceeding. There was acknowledgement that the Board may then need to deal with this at its Sept. and Dec. quarterly meetings unless the deadline of end of calendar year is changed.

Board Membership: Vice Chair Schettler and Edison-Lahm have submitted applications for reappointment through the State of Oregon Workday system. Valentine followed this up with submittal of the newly required form to the Board’s appointed advisor and the appointments office

in support of the reappointments. All this was done in advance of the 5<sup>th</sup> of the month cutoff for non-Senate approved appointments. By the 10<sup>th</sup> of the month, the Advisor is to submit recommendations to the Executive Appointments team. Then by the 15<sup>th</sup> of the month, the Executive Appointments Team is to submit a memo with all non-Senate candidates to the Governor for final consideration. The timeline for Governor approval after then is variable.

Contracts/IAAs for 2023-2025: Valentine reviewed the contractual arrangements that would need to be extended or renegotiated for the 2023-2025 biennium. She expected to continue with existing relationships through contracts and interagency agreements. She noted that Moss Adams would be asked to perform the biennial financial review again. No one expressed concerns about her taking action to get these contracts and agreements settled for 2023-2025.

➤ ASBOG Update: Valentine provided an update on the computer-based testing (CBT) process for the March 2023 exam administration. Registration opened for candidates on 02/01/2023. Staff sent an email to all candidates just prior reminding them to be on the lookout for a registration email from Prometric. Staff then sent a reminder email to those not registered within the first few weeks. Some candidates experienced a few bumps in the registration process, but ASBOG staff worked diligently to help get the issues of these Oregon candidates resolved. As of 03/01/2023, all but a few FG candidates had registered. Of those registered, all scheduled at centers in the Portland metro area or Eugene. A few FG candidates notified the Board office that they were not going to register and would look to resubmit for a later administration.

Testing center availability has been an issue in some geographic areas. ASBOG was informed after registration for the March 2023 administration opened that Prometric underwent consolidation toward the end of last year, closing many of their testing facilities in some geographic regions. This was a business decision taken by Prometric to address the continued slow return to the number of clients that supported these testing facilities before the COVID-19 pandemic. Prometric failed to timely inform ASBOG of this decision. ASBOG pushed back on Prometric to secure additional capacity in geographic areas of greatest need. Fortunately, there did not seem to be capacity issues in this region. Additionally, to increase the opportunity for candidates to select a testing facility within a reasonable distance from their home, ASBOG has agreed to expand the testing window by one day. Candidates are now able to schedule exams on either 03/16/2023 or 03/17/2023 depending upon testing facility availability. Prometric has removed the fee associated with rescheduling, so candidates already registered are able to change their testing facility and testing date at no cost. In addition, the Prometric cancellation fee (\$50) has also been waived for this administration only. Staff notified the OR candidates of all this but stressed that no action was required if registered and satisfied with the testing center scheduled.

One ongoing concern with the registration process is related to candidates with ADA accommodations. The actual experience for these candidates has not met expectations as set by Prometric. The registration for ADA candidates has been delayed, which if a persistent issue could result in a disadvantage to these candidates in terms of securing seats compared to other candidates. ASBOG is aware of this issue and shares in the concern.

Valentine noted that the next exam application deadline for the ASBOG examinations is 06/28/2023 for the 10/06/2023 administration. Resubmittal applications and EG applications have a 07/23/2023 deadline.

On a related note, Valentine shared that there are 2 candidates sitting for the EG exam on 03/17/2023. Staff will be proctoring this exam in a conference room in the Board office building.

Valentine addressed a question from a registrant about whether the ASBOG exam would be offered more than twice per year. She explained that state boards would like to see the exam offered more often and see the shift to CBT as making that more feasible. However, ASBOG probably does not have a sufficiently sized bank of questions to support year-round testing.

Edison-Lahm joined the Board just before noon. Chair Koss noted that the Board was about to break for lunch. She then reconvened the Board at 12:30 PM.

➤ Quarterly Budget/Investments Update: Valentine referred to the quarterly financial report documents and provided an overall summary. For revenues, the Board was running behind its total for RG registration and renewal revenues compared to the same time last year. This is likely due to the impact of non-renewals considered cumulatively over time. The Board will end the FY under the budget projection and likely under the total for FY 1. The CEG and GIT revenues are also trending lower than the same time in FY 1, but the difference is less pronounced than with the RG. On the positive side, revenue for exam application fees is expected to exceed budget projections. This suggests a healthy pipeline of candidates on the path to becoming registrants. For expenses, the Board already knew that personal services expenses will exceed budget projections due to adjustments in the compensation package made in the biennium. Expenses for services/supplies and professional services were trending under budget. This should offer some cushion to the personal services expenses and lower revenues. Overall, there was nothing new or unexpected to report.

➤ Quarterly Renewal/Non-Renewal Report: Valentine was cautiously optimistic that non-renewals might be trending lower in 2023 compared to 2022, but it was too early in the year to really know for sure.

### **Committee/Coordinator Reports**

➤ Budget: Valentine presented a recommended budget and associated fee schedule for 2023-2025. The budget was updated to reflect input provided by the Board at the prior quarterly meeting as to how to structure the fee schedule. The fee schedule is based on the estimated revenues needed to balance the budget. The Budget Committee helped to ensure the Board direction was incorporated. The changes compared to prior drafts were primarily on the revenue side. Expense estimates were largely unchanged from the draft shared at the prior meeting. Board members expressed that the budget captured the prior direction well.

The budget reflected direction to keep fees lower for those at the start of their careers and for seniors. The budget incorporates a proposed switch requested by the Board in the Fundamentals of Geology (FG) exam and GIT application process to use a joint application, which means the majority of candidates will only need to pay an application fee once instead of at the exam and registration stages. This approach accounts for these applications generally requiring less review time than other applications while limiting the financial impact on those earlier in their geology careers. This joint application still needs to be developed. Valentine said there will need to be a step where those candidates passing the FG who want to obtain the GIT then submit some additional details that the Board will not want to collect at the time of the exam application. Those that do not want to obtain the GIT would not need to take any further steps. There will also need to be an application fee for those that took the FG elsewhere and have not previously applied to the Board. Those candidates will need to submit transcripts and FG score confirmations.

Valentine briefly addressed possible budget changes in the biennium. If strategic planning, IT investigations, or other emerging circumstances highlight new needs and costs, the Board can revisit the budget during the biennium. The budget can be amended through a rulemaking process.

*Edison-Lahm moved to authorize issuance of notice of permanent rulemaking for proposed amendments to the Board's budget and fee rules in OAR Chapter 809 Division 10 where the proposed amendments are designed to adopt the 2023-2025 budget and associated fee schedule changes. Bartlett seconded the motion. Hearing no further discussion, Chair Koss called the vote, and all approved.*

➤ Legislative: Valentine presented a brief report on legislation being tracked by staff during the ongoing session of the Oregon Legislature. None of these bills directly impact regulation of the practice of geology, although some could impact various elements of Board operations as related to public meetings, public records, rulemaking, evaluation of applications, etc. Board members were referred to a bills list in the meeting packet. Day-Stirrat provided a brief update on bills specific to DOGAMI, including the agency budget bill.

➤ Continuing Education: The Board briefly reviewed the information about the renewals pool and audits to draw for the quarter. Valentine was assigned to randomly draw the audits.

Vice Chair Schettler highlighted two interpretation issues from the last audit cycle. One was how Board rule language about primary job duties was interpreted. Board rule says continuing education activities must be outside a registrant's primary job duties. The case was a retired registrant teaching a college course and receiving a small salary for this. This was interpreted as being outside primary job duties, as the registrant was retired. The course ended up not being credited due to lack of nexus to the practice of geology. The Board had no objection to this interpretation. Bartlett suggested that the Board be careful to not interpret this rule provision in a manner that would push registrants to having to do outside, paid courses. Valentine noted that another rule provision allows for continuing education activities to be completed during normal work hours so long as the activities are not typical, day-to-day duties of the job.

Vice Chair Schettler next mentioned that an interpretation related to pro bono work was made. There was initially some question about whether the hours claimed were actually completed on work time compensated by an employer, but this turned out to not be the case. If an effort was part of work duties and done on work time this may not qualify as pro bono even if the client is not charged for those hours. The Board felt these situations would require case-by-case review.

➤ Outreach: Vice Chair Schettler, Edison-Lahm, and Valentine provided an update on activities. Work was underway to schedule an in-person student outreach event at Portland State University. Valentine said she needed to loop back to the University of Oregon as there had been some interest in a presentation at the student geology club but then there was never a response from the individuals that handle that scheduling. There had been some discussion about updating the Board presentation to contain a bit more on geology careers. Various resources had been identified that might be a source for content on careers. Other ideas for how to support universities were being considered.

The Board still wanted to find a way to provide some kind of incentive for Board registrants to be part of future outreach events, as these additional voices can enrich the experience for students. Valentine noted that providing monetary compensation raised legal challenges. The Board asked if registrants could be given continuing education credit. The rules would be reviewed to check on this.

Day-Stirrat mentioned that Oregon State University has asked to try out a job shadowing effort with DOGAMI. This will be piloted in 2023. He also mentioned that DOGAMI has a large image



bank that the Board could tap, including images showing individuals engaged in professional duties.

Bartlett reminded the Board of the potential need to develop outreach for environmental science and other hybrid degree programs that involve some geology coursework. These programs will generally leave students without sufficient geology coursework to meet Board education requirements, but students and faculty in these programs may not understand this.

Chair Koss shared information on a Portland State University program that provides for paid interns. She has been able to mentor interns through this program as part of her work for the city of Portland. Several ended up pursuing licensure.

Vice Chair Schettler and Valentine shared that an outreach event on continuing education requirements for DEQ staff was also in discussion. This would be a virtual session. It may serve as a model to use with other state agencies if any express interest in a similar session for staff. The Board has a continuing education presentation that Chair Koss used at an AEG chapter meeting. This presentation would be reviewed and updated as prudent.

➤ Engineering Geology Examination Committee: Staff for the two boards have gathered some information about historical exam results and candidate questions. There was a decision made to not pursue a contract with a psychometrician due to costs and uncertainty about the extent of review needed. Board members have volunteered to review the existing exam forms as a next step. These reviews have not yet occurred. Due to security considerations, these reviews must occur without exam materials being distributed outside the control of the board offices. A joint virtual meeting may be scheduled after the board members complete these reviews. The WA board is under travel restrictions due to budget issues until at least 7/1/2023. The meeting may need to be virtual even if scheduled after then to accommodate participants.

➤ Rules Advisory Committee: There was no report for this committee.

### **New Business**

There was no new business raised.

### **Announcements**

Bartlett shared that she would miss the Sept. quarterly meeting. Valentine reminded all that the date for the next quarterly meeting was 06/02/2023.

### **Adjournment**

Chair Koss thanked the Board's guests for attending the meeting. She then adjourned the Board at 2:11 PM.

+++++

The minutes for the 03/03/2023 quarterly meeting were approved as presented at the 06/02/2023 quarterly meeting.

Christine Valentine, Administrator