

OREGON STATE BOARD OF GEOLOGIST EXAMINERS

MEETING MINUTES

MAY 31, 2013

Members Present:

Mark Yinger, RG, Chair
Peter Stroud, RG, CEG, Vice Chair
Richard Heinzkill, Public Member
Todd Jarvis, PhD, RG, CEG
Vicki McConnell, PhD, RG, State Geologist*
Kenneth Thiessen, RG, CEG
(*Ex Officio member, does not vote on motions)

Staff Present:

Christine Valentine, Administrator

Guests:** (**as noted in minutes)

UO faculty and students
Kyle Martin, AAG, DOJ (via Skype)

LOCATION: UNIVERSITY OF OREGON, CASCADE HALL, ROOM 200, IN THE LOKEY SCIENCE COMPLEX, 1275 E 13TH AVE, EUGENE, OR

WORK SESSION MINUTES

Chair Yinger called the meeting to order at 9:06 AM.

Welcome/Introductions

No one was present at this time other than Board members and the Board Administrator. The Board quickly reviewed the agenda and did not make any changes to the Agenda items or order of business. One discussion item regarding a recent application was added as a topic under the Compliance Report.

Updating Oregon State Board of Geologist Examiner (OSBGE) Guidelines

Update on Engineering Geology Guidelines Project/Contract Review

The Board reviewed the draft contract with LEI Engineering and Surveying, LLC for professional services to complete an update of the OSBGE Guidelines for Preparing Engineering Geologic Reports and to create a new, companion fact sheet. Valentine reminded the Board that the LEI proposal was received in response to its Request for Proposals (RFP). Vice Chair Stroud summarized the negotiations with the contractor undertaken at the Board's request and how the scope of work was revised to address issues raised during the Board's discussion at the March 22, 2013 work session. Valentine reminded the Board that the proposed contract would need formal approval per the OSBGE Contracting and Procurement policy due to the proposed contract amount.

Board members discussed the proposed approach to the project, how the guidelines were originally created, the revised contract price, designation of key personnel (i.e., Certified Engineering Geologist (CEG)) to work on the project, and the project timeline. The Board also discussed whether there were other realistic ways to get this work done without investing this level

of financial resources. The Board ultimately concluded that the proposed contract was the best approach all things considered.

McConnell noted one necessary change on page 2 of the draft contract. The invoicing language needed to link to the fixed payments specified in the statement of work instead of calling for monthly invoicing. Valentine thanked McConnell for finding this error and confirmed that it is proposed as a fixed price contract with invoicing at set times.

The Board asked Valentine to prepare a spreadsheet or timeline to help the Board keep track of the project steps, with particular emphasis on when the Board will need to review materials or take other actions.

Next Steps – Other Guidelines

Valentine referred the Board to copies of the other guidelines on the Action List for updating along with an example of report guidelines brought to the Board's attention in December 2012 by Heinzkill. The Board discussed whether to proceed with an effort to update these other OSBGE documents, and the following assignments were made:

Hydrogeology – Chair Yinger stated that this document is in fairly good shape, although some areas like the introduction need updating. He volunteered to take a first stab at editing the document. He will then share his proposed changes with the Board.

Professional Practices – Several Board members opined that this document contains good information and may just need modest updating. Legal citations must be checked, and any new interpretations or clarifications of law incorporated. Valentine mentioned the need to address outcomes from the Board's Supreme Court victory on a registration revocation case. Heinzkill and Valentine raised the issue of whether the Board could incorporate any other lessons learned from complaint cases. The Board discussed this idea but concluded any review of past case files for such information would be more than the Board or staff could take on. Individual members may recall specific issues that can be explored for inclusion in the document. McConnell volunteered to work with Valentine on updates to this document.

Geology Report Guidance – Board members reviewed the OSBGE document as well as a similar type of guidance document by the American Institute of Professional Geologists (AIPG). Heinzkill noted that he brought the AIPG document forward because he thought the OSBGE guidelines may not be updated and then this could be a reference that the Board could suggest to others. He clarified that he does not have an opinion on which document is best. The Board decided to update its guidance document. Vice Chair Stroud and Thiessen each expressed some ideas about areas that need to be updated and ultimately volunteered to work together on editing this document.

The Board discussed building in a public comment process to these various efforts to update the guidance documents. They discussed what was done in the past when the documents were first created. At that time, the Board convened special volunteer panels to generate the text and also invited other registrants to comment. This time, the Board would not need the volunteer panels since this is an updating process and not an effort to create new documents. Valentine suggested that the Board could use its newsletter, emails, and the website to invite registrants and other interested parties to comment on revised documents.

The Board asked Valentine to come up with a consistent template for use in all the documents. This will include coming up with consistent language related to describing the purpose of the guidance documents.

Rules Review

Draft Rules/Policies for Proctored Reviews

Valentine explained that the Board was provided with two versions of the draft rule amendments, one reflecting work on the proposed rule amendments to date and the other incorporating advice from counsel on these proposed amendments. She spoke briefly to how the Rules Advisory Committee was consulted but did not end up having a quorum for an official meeting. Several committee members provided individual comments, and the rules were further worked to address these comments.

Valentine summarized the primary issues raised in comments from counsel on the “Appeal” rule: updating the rule title, including definitions for rescoring and proctored review, adding more procedural details, and adding a more specific reference to Association of State Boards of Geology (ASBOG) procedures. The Board discussed the counsel advice and agreed on changing the rule title, including definitions, and being more clear about the ASBOG procedures. The Board discussed the pros and cons of adding in detailed procedures vs. handling those in a policy or desk manual. A primary concern was that the Board may need to evolve the day-to-day procedures as it gains experience in handling proctored reviews. The Board discussed the differences there will be between proctored reviews for an ASBOG exam, where ASBOG sets requirements, vs. the CEG exam, where the state boards set the requirements. The Board discussed that it could add the procedures from the draft proctored review policies into rule, but this would make adjustment of procedures more cumbersome.

McConnell and Vice Chair Stroud noted a few editorial changes that would be needed in subsection (7) of the counsel draft if the Board moves forward with this version containing the detailed procedures: (7)(e)(A)(ii), change answer to *answered* and 7(e)(B)(ii), change interpreted in different way to read interpreted in *a* different way. Valentine was asked to make sure the companion draft policies on proctored reviews were updated to make these same wording changes.

Valentine next summarized the primary issues raised in comments from counsel on the companion changes to the “Fee” rule: clarifying how the Board fee applies, changing per request vs. per service, and adding a new statement about Board fees being non-refundable. The Board was supportive of changes recommended by counsel except for the new statement of fees being non-refundable. The Board decided to preserve its ability to refund fees when unique situations arise.

Valentine next explained that she and Chair Yinger (as Rules Committee Chair) looked at whether the rule should continue to list the specific ASBOG fees. This has been the status quo approach, and the Board must update the rule each time ASBOG changes its fees. The Board reviewed draft language that would remove the actual dollar amounts and state the Board collects amounts equal to current ASBOG fees. The pros and cons of these two approaches were discussed. For example, the Board would have to post ASBOG fee information on its website if not contained in the Fee rule. However, the Board would not have to update the Fee rule each time ASBOG fee amounts change if the fee amounts are removed. Valentine noted that either approach can work, but the status quo approach can result in temporary disconnects between the Fee rule and ASBOG fees.

The conversation concluded with Chair Yinger summarizing the discussion outcomes and reminding the Board that motions would be needed in the quarterly meeting to approve revised versions of these rules for use in the rulemaking notice process. Valentine reminded the Board that the next step after tentative approval of the draft language is to initiate the public comment process. The Board would then review any comments received and consider final adoption at the next quarterly meeting.

Valentine gave a preview of the next agenda item. The Board discussed how to approach the agenda item, including whether Executive Session would be needed and connecting with counsel remotely by Skype video conferencing. The Board decided that it would not go into Executive Session but would like to hear from counsel on the legal issues associated with the proposed changes in application review procedures.

Chair Yinger called for a break at 10:35 AM and reconvened the Board at 10:50 AM.

A. Exam & Registration Application Procedures

- Updates/Legal Advice

The Board linked Kyle Martin, counsel from the Oregon Department of Justice, into the work session via Skype video conferencing. Valentine summarized the reasons for review of status quo procedures, explained the materials provided for Board review, and her request for the Board to adopt the delegation of authority document to memorialize where the Board expects staff to make decisions or take actions on behalf of the Board. She provided an overview of her review of application review procedures as well as counsel's role in development of the updated procedures proposed and the delegation of authority document. She explained that much of this memorializes existing practices but with some new steps added that increase the formality of the process. Major changes in the procedures are (a) having a registrant Board member assigned to conduct application review checks to supplement the staff reviews, (b) bringing proposed denials of registration applications to the full Board, (c) bringing proposed denials of exam applications to the Board Chair and (d) ensuring the Board approves by consent agenda a listing of all applications approved since the last Board meeting for after-the-fact ratification. Various questions of Board members about how the application process has or will work were addressed. She explained that the Board delegated authority to the Administrator long ago, but documentation of this is inadequate. She is asking the Board to confirm delegation of authority as memorialized in the draft provided for Board review.

Chair Yinger then asked for Martin to summarize the legal issues associated with incomplete vs. inadequate applications. Martin confirmed that the Board does need to update procedures to more clearly address due process rights. He explained that most proposed denials trigger hearing rights. After a hearing or if the applicant does not request a hearing, then the Board will finalize any such decisions. Martin clarified that the final decision to deny will remain with the Board for all applications. He described the effort as designed to put sufficient procedures in place and to make sure the delegation of authority is clear. The idea behind the delegation of authority is to keep the Board from being buried in the day-to-day work while ensuring the Board is involved with critical or potentially contentious decisions. Martin was asked to explain the differences in handling incomplete (e.g., some required part of application is missing) vs. inadequate (applicant does not meet a standard of registration such as education, experience, or exams) applications and the difference in legal rights associated with these types of decisions. He confirmed that the revised procedures and delegation of authority document are legally sufficient and appropriate.

Valentine confirmed that staff will continue with customer service efforts to assist applicants with resolving issues related to incomplete applications and to seek clarifications or further information from applicants where that may help to address a possible inadequacy with an application. The goal will remain to help applicants understand how issues could be addressed and to also ensure clear communications with applicants when reaching the point of an incomplete or inadequate application.

Valentine pointed out that failure to take or pass the ASBOG exam (both sections) is a reason for denial of registration but will not trigger hearing rights as this is a specific exemption in the Oregon Administrative Procedures Act. She also explained why the proposed procedures for exam applications are slightly different than those for registration applications, primarily due to tighter timeframes for notifying applicants of proposed decisions.

Martin was asked to speak to the ratification process for applications approved through the delegated authority. He explained this is the way most Boards ensure that there can be no question about decisions being supported by the Board. The document before the Board will state that the applicants met all Board standards and will be signed by the Administrator. The application review coordinator will also have been engaged in the process, thereby adding extra assurance for the Board compared to the status quo.

The Board discussed next steps for approval of the updated procedures and adoption of the delegation of authority document. Valentine pointed out a few discrete issues where further research is necessary and later updates may be required. These will be working documents and will likely need to be revisited by the Board periodically.

Martin disconnected from Skype at approximately 11:30 AM. Chair Yinger noted that the Board had one more agenda item to cover in the work session and asked Heinzkill to introduce the item.

Standards of Practice – Potential Action Items

Heinzkill and Valentine summarized the documents included in the meeting packet. Heinzkill also provided an additional page with more background on what is a standard of practice. Heinzkill reminded the Board that the agenda item stems from the Action List, specifically from items related to standards of practice that were added to the list after a work session with DOJ about the Board's Supreme Court license revocation case. He asked for discussion at this work session to encourage a decision about whether the Board is going to address any of the actions related to standards of practice or take some or all of these actions off the list. He noted that issues related to standards of practice come up fairly routinely in complaint cases heading towards a disciplinary action. He mentioned that counsel has often advised the Board to show where standards of practice were not met by a complainant. Chair Yinger noted that this is an opportunity to brief newer board members on this issue of standards of practice in relation to complaints. Heinzkill summarized various examples of how standard of practice is defined for other professions, and then a roundtable discussion ensued.

The Board discussed the Action List items: Community of Care/Standards of Practice definitions, model technical review, updating the technical reviewer form, obtaining legal review of any updates to the form, and evaluation of defining fundamental standards of practice for geologists. The Board consensus was that defining standards of practice for geology is not practical due to the nature of practice where the specifics of the project scope and design, the geology of the project site, the geology discipline applicable, and the continuing evolution of practice can all influence the standards of practice that apply to any given situation. The Board also decided that a model

technical review was not feasible given the wide variation in case-specific details involved with each complaint case. Pros and cons of adopting a definition of community of practice vs. establishing this on a case-by-case basis were discussed. The Board did not reach a final decision about whether to adopt a definition for community of practice, such as saying community is statewide. However, neither did the Board make work on a community of care definition a priority work effort at this time.

Heinzkill opined that technical reviewers may need more guidance on what is a standard of practice than what is currently included in Board guidance to reviewers. The Board reviewed the existing technical reviewer form and discussed possible approaches to improving guidance to reviewers. The Board may need to work with technical reviewers to obtain a clear articulation of the specific aspects of a complainant's work that does not meet minimum standards. Yinger and Jarvis each suggested that there was an opportunity to clarify that standards of practice are in the eye of the reviewer based on his/her expertise and experience in the profession. Jarvis also recommended that a general description of standard of practice be added along with clarification that the OSBGE statutes and rules do not articulate the universe of standards. Valentine offered to look at the reviewer form and bring back to the next quarterly work session some possible updates to enhance guidance on standards of practice.

Chair Yinger noted that the work session was completed and adjourned the Board to allow for the lunch and outreach event with University of Oregon geology students and faculty.

Outreach Event/Lunch: The University of Oregon (UO) Department of Geological Sciences hosted the Board for its outreach event, held from 12:00 PM to 1:00 PM. The Board was joined by students and faculty from the UO Geology Department for lunch along with a presentation and question/answer session on the role of registration in the public practice of geology. Jarvis narrated the presentation, and all Board members and staff participated in the question/answer session. The Board was pleased to see a good turnout and great questions from the UO crowd.

QUARTERLY MEETING MINUTES
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Chair Yinger convened the Board for its quarterly meeting at 1:20 PM.

Welcome/Introductions

No new visitors were present at this time.

Agenda Review

The Board did not make changes to the agenda. Chair Yinger reminded the Board that one additional item related to a recent application would be covered under the Compliance Report.

Minutes

Valentine noted two minor editorial changes to the minutes that were not yet incorporated. *McConnell moved to approve the March 22, 2013 minutes as amended. Vice Chair Stroud seconded the motion. Yinger asked for discussion and hearing none called for a vote, and all approved.*

Administrator Report

Administrator Narrative Report

Valentine inquired about Board member questions or comments regarding her narrative report. Hearing none, she stated that she would skip items that have been or will be covered under other agenda items and focus on items that will not otherwise be discussed during the day. She directed the Board to two attachments – the pending contract for the 2011-2013 financial review which she intends to sign in June for work to be completed in the 2013-2015 biennium and new information on risk management as a follow-up to the Board's conversation last meeting with staff from the Department of Administrative Services- Risk Management. She also pointed out that the Board members might want to start thinking about the ASBOG fall Council of Examiners and annual meeting and shared the dates and location for this. The Board will make a final decision on attendance at the September 20, 2013 Board meeting.

Valentine next described some challenges staff have been facing related to evaluation of education for applicants. She summarized the issues and wondered if the Board would be interested in discussing during the next work session. Jarvis weighed in as the Outreach Chair, given his role assisting with transcript reviews. He suggested that the burden of proof needs to be on applicants and that he did not believe the Board needed to discuss the issues presented by Valentine further. He felt that staff should require applicants to describe coursework and document qualifications as necessary. He further suggested that applicants be directed to go online to find a transcript review service when dealing with a foreign transcript that must be compared to the Board's 45 quarter hour requirement.

Valentine noted that she would need to make some budget line item adjustments to provide additional funds for a recent, previously unexpected need to purchase a new computer server and related software while also continuing to pursue the online license lookup project. She noted that there appears to be enough funds in the computer-related line items, but it is not distributed between IT providers and hardware/software in the exact manner that costs will occur. She also noted that the Board has sufficient funds in its overall budget, with unused funds in various line items such as training, out of state travel, dues, and professional services. She concluded that there are sufficient funds to get these important IT updates completed within the biennium but that the Board needs to be aware of any shifts between line items. The Board expressed no concerns with the line item adjustments.

Updated Revenue/Expense Report for Current Biennium

Valentine noted that the budget actuals go through mid-May, with 1.5 months left in the biennium. She noted that revenues and expenses are tracking as was predicted when the Board last looked at this during the budget development process for 2013-2015. The Board did not have any specific questions about the budget status report.

Approve Quarterly Check/Debit Log

Jarvis moved to approve the check log dated 3/1/13 – 5/17/13 for checks #3569-3600 and 9187-9191 and debits from 3/1/13-5/15/13. Vice Chair Stroud seconded the motion. Chair Yinger invited discussion and upon hearing none called for a vote, and all approved.

3-Year Comparison of Changes in Monthly Renewals and Examinations

The Board reviewed the data and chart. Valentine noted that May is a big renewal month and many of the May renewals are not yet reflected in the chart as it was developed on May 17, 2013.

Update on Edward Jones Investments

The Board reviewed the latest investment statement. Valentine noted that the CDs continue to earn money but at low interest rates.

Committee Reports

Administrative Rules

Budget Rule: Valentine presented the rulemaking report for the proposed amendments to the Operating Budget rule. She reminded the Board that the updated budget rule would need to be adopted to finalize the rule change and allow for her to file the rule.

Jarvis moved to adopt the budget rule amendment for the 2013-2015 budget. Thiessen seconded the motion. Chair Yinger asked for comments on the motion. Hearing none, he called for a vote and all approved.

Proctored Review Rules: Chair Yinger asked for motions for proceeding with rulemaking to add proctored review services and amend the Fee rule accordingly.

For purposes of initiating the rulemaking process, McConnell moved to approve the proposed amendments to 809-040-0021 with a new rule title of Proctored Review and Manual Rescoring and other revisions by counsel. Heinzkill seconded the motion. Chair Yinger opened the motion for discussion. Heinzkill noted that he would actually like to see (7)(d) through the end of the counsel draft removed before the rule goes out for public review. Vice Chair Stroud supported that change to give the Board more flexibility. Jarvis thought keeping (7)(d) in the proposed amendments would be acceptable. The Board discussed options and ultimately McConnell decided to amend her motion. *The amended motion was to approve the proposed amendments to 809-040-0021 but without including (7)(d). Heinzkill seconded the motion. Chair Yinger asked for discussion of the amended motion. Hearing no comments, he called for a vote, and all approved the amended motion.*

For purposes of initiating the rulemaking process, *Thiessen moved to approve the proposed amendments to 809-010-0001 from the rule version containing revised language about ASBOG fees and adding (4)(c) from the counsel version of the rule. Jarvis seconded the motion. Chair Yinger asked for discussion of amended motion. Hearing no comments, he called for a vote, and all approved.*

Legislative

McConnell gave a general update on the 2013 Legislature and noted how Valentine is tracking various pieces of legislation that could have some impact on the Board. Valentine briefly reviewed her tracking list and explained a few bills of potential interest to the Board.

Professional Practice

McConnell referenced the work session discussions and how the Board made decisions about updating various guidance documents. She noted that the Committee has not taken on any other new assignments.

McConnell move to approve the Administrator entering into contract with LEI Engineering & Surveying to produce updated Guidelines for Preparation of Engineering Geology reports as per draft contract G-06-2013 with one correction on p. 2 to not require monthly invoicing but instead reflect that the contractor will submit milestone invoices in accordance with the statement of work.

Vice Chair Stroud seconded the motion. Chair Yinger asked for comments. Hearing none, he called for a vote, and all approved.

McConnell noted that the Board needed to address updates to application review procedures and the proposed delegation of authority document. McConnell asked for discussion of whether the Delegation of Authority document title should be amended to refer to the Administrator vs. staff. After some discussion, *Jarvis moved to approve the delegation of authority document as drafted. McConnell seconded. Chair Yinger confirmed there was no further discussion and called for a vote. All approved the motion.*

McConnell noted the Administrator will look at the technical reviewer form for further discussion of standards of practice. She summarized that the Board would make no further attempt to detail standards of practice as this would require a very complicated and extensive work effort with uncertainty about whether desired outcomes could be achieved. Heinzkill suggested that the Board not dismiss the idea of further work to define community of practice considering past issues related to this topic. The Board confirmed its intent for now is to interpret community of practice on case-by-case basis, working with counsel to minimize risks based on careful consideration of the specifics of each complaint case.

Joint Compliance Committee (JCC)

Vice Chair Stroud reported that the JCC has not met and asked Valentine to update the Board on the request from the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) to convene the JCC. Valentine explained that OSBEELS has requested a meeting of the JCC to discuss its companion cases to OSBGE's CC#11-12-003. The OSBEELS Law Enforcement Committee has questions about CEG scope of practice that are apparently important as to how they might proceed against the PE and CEG. OSBGE was amenable to convening the JCC at the earliest practicable time given OSBEELS request and agreed to address OSBGE membership on the JCC later in the day.

CEG Examination Committee

Jarvis reported that there was nothing new to report. Valentine agreed and noted that there has not been much action related to this Committee, only some continued follow-up on issues reported on at the March 22, 2013 meeting. The amendment to the current interagency agreement for exam administration with the WA Dept. of Licensing is complete, extending it for 6 months (through 12/2013). Between then and now, the two boards need to develop a new agreement. Past discussion in the Committee was to propose a 6-year agreement. Valentine mentioned that she recently inquired with the WA board staff about their work with CA on a reciprocity agreement so the CEG exam would be recognized in CA but was not able to obtain any updated information prior to this meeting.

Outreach

The Board members and staff thanked Jarvis for doing a great job on the UO presentation. Jarvis mentioned that the Board is done with such outreach events for now, given those also held at Portland State University in December 2012 and Oregon State University in February 2013.

Chair Yinger called for a break at 2:40 PM. He reconvened the Board at 3:00 PM.

Compliance Report

Heinzkill read the compliance report for the record:

CC #10-04-013: Respondent agreed to take coursework as part of a settlement agreement. Based on correspondence from the respondent, we believe the coursework is in progress. The Board asked that course work be completed by June 30, 2013. Action required: None

CC #11-12-003: Construction of embankment for roadway. This case closed in December, 2012, with the proviso that if new, relevant information resulted from OSBEELS's investigation, then OSBGE may reopen the case. OSBEELS raised questions about another aspect of the case, i.e. if another individual (PE) was in responsible charge. OSBEELS is asking for discussion at the JCC about CEG/PE scope of practice. Action required: Activate the JCC.

CC#13-01-005: Complaint is that person not registered in the State of Oregon publicly practiced geology. The Board directed that a letter be sent to OSBEELS asking about scope of practice for a PE. Valentine confirmed that the letter went to OSBEELS and that stated that the OSBEELS administrator expected the letter would be brought before the Professional Practices Committee. Valentine noted that this OSBEELS committee next meets in mid-June. Action required: None, other than monitoring for OSBEELS response.

CC#13-01-006 (Related to CC #13-01-005): Awaiting outcomes of #13-01-005. Action required: None

CC#13-01-007 (Related to CC #13-01-005): Awaiting outcomes of #13-01-005. Action required: None

As an addition to the compliance report, the Board next reviewed a recent application to sit for the ASBOG practice exam that was sent by staff to the Board Chair due to questions about work experience claimed as "responsible charge" geological work. The Board discussed several issues raised by the application: (1) the individual having a delinquent GIT registration and the relevance of this to the application, (2) whether the geological work described was practice of geology, (3) how the GIT could be supervising other geologists, (4) whether and how to notify businesses when they ask an employee to do geological work without registration, and (5) whether to address this as a compliance issue at this time. The conversation culminated in a *motion by Vice Chair Stroud to issue a Notice of Intent of proposed denial of the application to sit for the Practice exam based on inadequate work experience. Thiessen seconded the motion. Chair Yinger confirmed there was no further discussion and then called for a vote, and all approved.* In relation to this motion, Valentine was asked to include an invitation to the individual and company to come before the Board for discussion. The Board would like to ensure all parties involved understand the application of Board statutes and rules to this situation. Jarvis volunteered to prepare a first draft laying out the situation and issues.

Correspondence

Valentine stated that nothing has come in for discussion under this placeholder agenda item.

Old Business

OSBGE-OSBEELS Joint Meeting

Valentine noted that early October seems to be the preferred date based on the poll of Board members. The Board confirmed that Valentine should work with OSBEELS staff to set the meeting date as October 10, 2013 and prepare an agenda. Heinzkill asked how the Board should

prepare for the joint meeting and specifically wondered if the Board needed to formulate positions on matters related to the OSBEELS-OSBGE Memorandum of Understanding or the JCC. The Board agreed that Valentine should work with the OSBEELS administrator to lay out some key issues. OSBGE will then cover those key issues during the September 20, 2013 work session.

Action List Review

The Board reviewed the action list of ongoing and pending actions, noting which items have been completed in recent weeks, addressed over the course of the day, or otherwise removed from the list. Valentine will update the Action List accordingly.

Newsletter

Valentine explained that she needs a volunteer for the next Meet the Board article. She asked Heinzkill to help her craft a paragraph or two about the role of the public member, as she would like to include this before his term ends this coming winter. McConnell noted that she may have an update on mining-related legislation once the 2013 Legislative session concludes. Valentine noted that she will also include something on the process to update the report guidelines for engineering geology and probably a request for volunteers for the Rules Advisory Committee.

Board Policies-Procedures

Due to time constraints, the Board opted to not discuss the proposed Reserve Funds policy. The Board had previously discussed the proctored review policies and will hold off adopting those until the rulemaking process related to proctored review services can be completed. The Board focused its energy on the proposed Volunteer policy. Valentine explained that she put this together based on the discussion at the last quarterly meeting with DOJ and DAS Risk Management. She already received input from DAS Risk Management that this policy would work for purposes of defining volunteers and eligibility for tort liability coverage. Valentine noted that two key decisions are needed: whether to only address technical reviewer volunteers and whether to offer volunteer insurance coverage for medical disability to volunteers. The Board asked for Valentine to amend the draft policy to focus primarily on technical reviewer volunteers but with some language addressing volunteers who may be asked to travel for Board-related business. The Board also decided it would not offer the volunteer insurance coverage.

New Business

OSBGE Committee Assignments

Chair Yinger noted that it is time to update the committee assignments given additional changes in Board membership. No changes were made to the Budget, Legislative, or Rules Advisory Committees (although Yinger and Valentine noted the need to recruit new registrant members to the Rules Advisory Committee). The following updated assignments were made:

JCC: Thiessen, Stroud, and former Board member Peterson. (Valentine to confirm again Peterson's willingness to continue in this role.)

CEG Exam Committee: Jarvis suggested that the 3 CEGs on the Board take this on instead of asking for outside Board members to be on the committee. Jarvis, Stroud, and Thiessen were assigned to the Committee. Valentine noted that former member Humphrey had wanted to remain on the Committee so he will need to be notified of this change.

Application Review Coordinator: McConnell agreed to take on this role for the first year. She stated that this duty may need to be rotated over time and should not be considered as permanently assigned to the Ex Officio member.

Outreach Committee: Jarvis stated that he would like to be off Outreach Committee and questioned whether there was more work for the Committee considering the recent round of outreach events. Chair Yinger wanted to see the Outreach Committee remain and is willing to take over as Chair. He will contact former Board member Steve Taylor to confirm whether he remains interested in being on this committee.

Professional Practices Committee, Geology Guidelines Committee: The Board decided to disband these committees, as the primary focus of seeing guidance documents updated, is being otherwise addressed.

OSBGE-OSLAB IAA for 2013-2015

Valentine requested that the Board authorize the Board Chair to sign and address any last minute updates to this interagency agreement (IAA). The primary update anticipated is the monthly payment amount, to reflect a decrease due to both employees now opting out of medical insurance coverage but also possibly with information about the state benefits package if this information is available prior to July 1. The Board agreed without requesting any changes in the agreement.

Public Comment

No one was present to provide comment.

Announcements/Other

All

Jarvis spoke to the meeting agenda. He feels the agendas and meetings are too long and that the Board tries to cover too much at each meeting. He sees the Board rushing through agenda items to cover everything. He wants to see meetings end on time out of respect for the time of volunteer board members. He also objected to a new issue being added to the meeting (exam application review) without something else being removed from the agenda and without information being provided before the meeting. The Board discussed the challenges associated with issues that arise after the meeting packets go out but that cannot be held an entire quarter to the next meeting. Staff did not know for sure if the application review would need to come before the Board until the week of the meeting. McConnell noted that the Board holds public meetings and thus it would have to be careful about removing agenda items that were on published agendas. Valentine noted that the Board decided years ago to only meet quarterly so this results in a lot of work needing to be covered at each quarterly meeting. She said her understanding is that OSBGE wants to maintain the quarterly meeting schedule. She noted that most licensing boards meet every other month or sometimes monthly to attend to business. She suggested that the Board could trim the work session time to ensure enough time to get through mandatory business that must be addressed by the Board. McConnell pointed out that the work sessions have helped the Board work through issues and run better meetings so she was not convinced the work sessions should be shortened. No consensus was reached on changes for future meetings.

Adjournment

Chair Yinger adjourned the Board at 4:38 PM.

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The minutes of the May 31, 2013 quarterly work session and meeting were approved as presented at the September 20, 2013 Board meeting.

Christine Valentine, Administrator