

# OREGON STATE BOARD OF GEOLOGIST EXAMINERS

## MEETING MINUTES

DECEMBER 13, 2013

**Members Present:**

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

**Members Excused:**

Todd Jarvis, PhD, RG, CEG

**Staff Present:**

Christine Valentine, Administrator

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

Kyle Martin, AAG, DOJ  
Dennis Griffin, SHPO  
Loren Davis, OSU  
Curran Mahoney, ODOT  
Bill Orr, RG  
Hans Fiege, RG  
Steve Tucker

*LOCATION: ASSOCIATION CENTER, 707 13<sup>TH</sup> ST. SE, CONF. RM. "A", SALEM, OR*

<b>***WORK SESSION MINUTES***</b>
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Chair Yinger called the work session of the Oregon State Board of Geologist Examiners (OSBGE) to order at 9:04 AM.

**Welcome/Introductions:** No guests were present at this time. Chair Yinger noted that Jarvis was excused due to work travel. Valentine informed the Board that Heinzkill planned to arrive at 10:30 AM.

**OSBGE Guidelines:** Chair Yinger opened discussion on the draft guideline documents and stated that first priority was to address the Engineering Geology Report guideline with the others to be covered as time allowed.

➤Engineering Geology Report Guideline Review: The Board reviewed the project schedule and noted that the contract work was on schedule. Valentine spoke briefly about the review panel membership and process. Valentine stated that the Board could provide input to the contractor on the review panel drafts of the guideline and associated fact sheet. She reminded the Board that at the last work session, the Board opted to not provide comments prior to the review panel's work. The Board decided to provide comments to the contractor for incorporation into the draft guideline prior to releasing it for public review. Each Board member shared suggested changes, with all comments provided to Valentine for consolidation. Comments addressed requests to include additional information, needed clarifications, and grammatical and style changes. Overall, the Board thought the guideline was heading in the right direction. The Board decided not to comment on the fact sheet prior to public review.

The Board discussed how it could best steer all three of its report guidelines, including the Engineering Geology Report Guideline, towards a consistent look and feel. The Board also discussed how this type of editorial work most likely needs to be handled after the various guidelines have gone out for public review and the technical content settled. Valentine said she would attempt to work toward this editing goal as the documents continue to evolve. The Board recognized that the documents will have differences in content and writing style but will strive to ensure the major premises and terminology use is the same.

Thiessen and Valentine reported that the Association of Environmental and Engineering Geologists (AEG) – Oregon Chapter has been receptive to having the Board share information on the Engineering Geology Report Guideline at a chapter meeting. The AEG meeting on Jan. 21, 2014 in Portland is the target for this, and Thiessen will represent the Board.<sup>1</sup> For this meeting, AEG is holding a joint discussion with the American Society of Civil Engineers so the expected audience should be interested in the topic. AEG has also indicated that it likely can help with notice about the public review period. Valentine and Thiessen agreed to remain in close communication about when the public review period can begin. If at all possible, the documents will be posted and available for public review before the AEG meeting. However, Valentine noted that the beginning of the public review period hinges on how quickly the contractor can make the revisions requested by the Board and have an updated guideline ready. Valentine confirmed that notice about the public review would go out through various channels, similar to how rulemaking notices are provided even though this notice is not controlled by the Administrative Procedures Act.

➤Geology Report & Hydrogeology Guideline Review: In order to keep on schedule, the Board kept discussion of the geology and hydrogeology report guidelines brief. Thiessen and Yinger spoke about their work on draft revisions for the Geology Report Guideline and Hydrogeology Report Guideline, respectively. Both encouraged the other Board members to provide feedback on the drafts shared for the work session. The Board decided on the following process for completing the editing such that public review could commence soon after the Board's next meeting. Board members will send individual comments back to the designated editor, with a focus on technical content as opposed to issues such as style and grammar. Thiessen and Yinger, as the editors, will then incorporate Board member input into the documents. This will be the last opportunity for Board members to review and comment on the drafts prior to public review. The revised drafts will be presented at the March 2014 work session for fine-tuning. The Board's intent is to then put these guidelines out for public review immediately following the first quarterly meeting of 2014.

➤Professional Practice Guidance Review: McConnell and Valentine presented draft #2 of the Professional Practice Guidance document. Valentine stated that changes requested by the Board during the Sept. 20, 2014 work session have been incorporated. She also explained that counsel reviewed the draft and pointed out the suggested edits shown in the draft. McConnell suggested that the Board accept all comments from counsel and put the document out public review. She thought the public review could occur at the same time as the public review for the Engineering Geology Report Guideline.

Thiessen noted that there were some places in draft #2 indicating that more information is needed. Valentine explained that there are sections of the document where she and McConnell had

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<sup>1</sup> After the Board meeting, the AEG changed its meeting date from January 21, 2014 to January 8, 2014. Board member Kenneth Thiessen, CEG, did still participate in the AEG meeting.  
OSBGE Meeting Minutes, 12/13/13

discussed engaging others in the review. However, she noted that the Board decides if the draft is ready for public review. For example, she mentioned that she was wondering if the section on environmental geology should be expanded or further updated with more information on public practice of geology as related to environmental site assessment. McConnell mentioned how the legal discussion on standards of practice was another such area initially marked for more work and has now been addressed in the counsel review.

Board counsel Kyle Martin joined the Board at 10:00 AM.

The Board directed staff to prepare the Professional Practices Guidance document for public review. The Board believes public input on this preliminary draft will highlight where the document needs further work or fine tuning. The Board would like to provide notice in the manner discussed for the Engineering Geology Report Guideline. McConnell also offered that a note could be put on the Department of Geology and Mineral Industries website about the review and directing people to the Board's website.

**Update on Complaint Cases/Process:** Chair Yinger opened discussion on this agenda item. The Board was waiting for Heinzkill to arrive and decided to delay discussion of complaint cases until he arrived given his role as complaint coordinator. Valentine briefly addressed the other items ready for the Board's review, and Yinger stated that the Board would start with delegation of authority.

➤Delegation of Authority Update: Valentine presented the proposed addition to the Board's delegation of authority document. She requested that the Board consider adopting this document in the quarterly meeting, explaining that the purpose of the document is to clarify and memorialize where the Board has delegated authority to staff with respect to specific tasks related to complaint case processing. Documentation of delegation of authority provides legal protection to the Board and also serves as a record for the Board of roles of the Board vs. staff. Valentine verified that counsel had already reviewed the document. The Board members expressed support for adoption of the document.

➤Technical Reviewer Form: Valentine apologized for inadvertently not included the form in the meeting packet mailed to Board members but stated that it was emailed to Board members for review prior to the meeting. She noted that the form now incorporates Board, staff, and counsel recommendations. She would like to start using this updated version of the form. The Board reviewed, and the only change highlighted was to consistently use the terminology of standard of practice instead of standard of care. While these mean essentially the same thing, the Board felt that standard of practice is the terminology more common to design professionals and standard of care more common in the health field. Martin concurred with this assessment.

➤CC#13-01-005, 13-01-006, 13-01-007: Heinzkill arrived at 10:40 AM. At that time, Chair Yinger announced that the Board would now discuss open complaint cases. He asked Heinzkill to provide an overview but then Heinzkill in turned asked Valentine to provide a summary of the open cases. Valentine reminded the Board that the complaint in CC#13-01-005 was filed with the Board in January 2013 and is one of three complaints filed simultaneously. Each complaint is against an individual that signed a stormwater infiltration evaluation report. The complainants allege that preparation of this report involved the public practice of geology with none of the complainants registered with the Board. The respondent in case CC#13-01-005 is registered as a professional engineer (PE) in Oregon and a PE and engineering geologist in Washington State. The PE claimed responsibility for the work in question and stated that the others involved assisted under his direction. He also stated that all the work was within the scope of geotechnical

engineering as defined by OSBEELS at OAR 820-040-0040. In order to address the respondent's claims regarding the scope of work for an Oregon geotechnical engineer, OSBGE sent a letter dated May 14, 2013 to OSBEELS requesting an opinion about whether certain work elements and tasks are within the PE scope of practice. OSBEELS referred the case to the JCC. The JCC was able to meet on October 24, 2013 and addressed CC#13-01-005 at that time. The JCC made recommendations to both boards about the case.

Chair Yinger confirmed that he would remain out of the Board's discussion and deliberations on these three cases due to a possible conflict of interest and left the meeting. Stroud temporarily assumed the duties of Chair. At 10:43 AM, Vice Chair Stroud announced that the Board was entering Executive Session to consider written advice from counsel per ORS 192.660(2)(f) and read the script.

At 11:20 AM, Vice Chair Stroud announced that the Board was back in public session. No decisions were made by the Board during the Executive Session. The Board responded to written advice from counsel by providing direction to staff regarding the continued processing of the three cases.

The Board took a brief break at this time to invite Chair Yinger and recently arrived guests to join the meeting.

**Informational Exchange re: Archaeology/Geology:** Chair Yinger welcomed invited guests Dennis Griffin, State Historic Preservation Office (SHPO) and Loren Davis, Anthropology Program at Oregon State University (OSU) to the meeting. The Board also welcomed Curran Mahoney from the Oregon Department of Transportation (ODOT). Mahoney explained that ODOT has interests in the relationship between the practices of geology and archaeology. The guests and board members went through a round of introductions.

Yinger gave some background on how this issue came before the Board. He explained that the Board recently discussed an application from individual who wanted to become a RG and was practicing as a geoarchaeologist. The individual met the Board's education requirements but was challenged by the Board's requirement for work experience under the supervision of a geologist. The individual described his work as archaeology with a strong geology component. The Board is trying to understand to what extent the practice of geology is incidental to archaeology and specifically geoarchaeology. The Board was not familiar with geoarchaeology practice. The reports prepared by the individual as geoarchaeology practice did appear to reflect a fair amount of geology understanding and geological work at the project sites. Valentine also gave some context for the Board's role regulating the public practice of geology.

Griffin explained that SHPO does not regulate the practice of archaeology. Archaeologists are not required to hold a state registration or license; SHPO is not a licensing entity. For archaeologists, there are some ethics standards established nationally but nothing else similar to a registration or license. Per SHPO's statutes, SHPO has defined what a qualified archaeologist is for purposes of applying for archaeological permits. The archaeologist must have a Master's degree in archaeology and as part of that study have done some minimum amount of field work. SHPO relies on the graduate programs to have included this field work. SHPO does not regulate or oversee practice, and Griffin noted that he sees a wide variation in the quality of work done by archaeologists but that SHPO cannot control that.

Valentine asked about whether geoarchaeology is a subdiscipline of archaeology. Griffin expressed that he feels geoarchaeology is very different in many respects from more standard

archaeology. Davis stated that most archaeology programs in the United States are housed in non-science, anthropology departments with only a few programs offering training in geoarchaeology. A student interested in geoarchaeology needs to take more interdisciplinary studies to bridge the gap between archaeology and geology or soil science. He offered that he did not think most geoarchaeologists would consider themselves to be geologists or to be practicing geology. He said he does not see geology review done in geoarchaeology as the same as what other geologists would be doing. He also suggested that if a person does a bad job at geoarchaeology, it generally would not have a public impact. He noted that Utah is the only state he is aware of where the state has made some connection between archaeology practice and state geology registration. When he asked geoarchaeology colleagues about these issues, the feedback was that most geologists would not have the training necessary to apply their geology training to an archaeology site. However, he acknowledged that there are not any standards out there for geoarchaeology practice. This presents a challenge to OSBGE as there is no reference to start from.

Yinger asked Griffin and Davis if they could see any advantage to a geoarchaeologist in also holding state registration to practice geologist. Davis suggested that there are different levels of involvement in the field and this coupled with individuals have varied backgrounds made it hard to answer that question. He could not see registration as generally being achievable for archaeologists because archaeology programs do not currently train students to pass the geology exams. Students also will not generally have a path to obtain the required work experience under a geologist since geologists are not the ones working on archaeological sites. He asked for clarification about the work experience requirement, and McConnell briefly explained the current examination and registration standards as defined by statutes and rules.

Stroud thinks geoarchaeologists are applying some geology similar to a RG but picked up on a comment by Davis about whether a geoarchaeologist is doing work that relates to public health, safety, and welfare. He questioned whether there was generally a public nexus in relation to safety and welfare. McConnell opined that the work could have public impacts and gave an example of needing to provide accurate information for the siting new public roads or other utilities. If the archaeologist gets the information wrong, then public funds could be needed to re-route or mitigate impacts. Griffin noted that the public impact question would not be limited to geoarchaeologists but to all archaeologists.

McConnell and Yinger asked Griffin and Davis if they had opinions on whether geologic work by geoarchaeologists is incidental to the archaeology work or does it go beyond that. They also mentioned that the Board would need to evaluate if the work is stand-alone practice of geology or if the work is being done for a company's internal use but not for in relation to public practice. Griffin and Davis felt that the geology component of geoarchaeology is distinct from stand-alone public practice of geology and in most cases would be incidental to the practice. The Board discussed whether geoarchaeologists generally work for a private company, supplying information for the company use vs. for public purposes. Davis suggested that soil scientists were somewhat analogous, needing to understand some geology but not working primarily as geologists. Griffin said he knows of only a handful or so of individuals that use the geoarchaeologist title and the majority work for companies. He is aware of one that has his own business as a geoarchaeologist. Yinger felt that the Board's exemption for private company work would not likely encompass the work of geoarchaeologists if they are working as consultants. He suggested to the other Board members that the focus be on whether these individuals are primarily practicing geology and not just geology incidental or customary to the practice of archaeology. Griffin said that a person working as geoarchaeologist can be only dealing with evaluating the geology of archaeology sites.

Griffin offered that he sees geoarchaeology as an up and coming specialty niche and encouraged the Board to keep abreast of emerging issues. He felt that there could be practice issues that come up in having more archaeologists providing geological interpretations for archaeology sites. He noted that these individuals do not hold licenses and are not subject to mandatory mentoring but instead often get hired by a firm to be the specialist. As the specialists, these individuals often work alone without any mentoring or oversight by a geologist or other professionals.

Davis suggested the Board proceed with caution and engage representatives in the field of geoarchaeology in any further review related to the geology practice statutes. He suggested that the Board might want to review some example archaeologist reports to further gauge the question of incidental practice. He would be concerned about not having a path for future geoarchaeologists as they are needed in the archaeology field. Thiessen and Stroud spoke to how it seemed a geoarchaeologist could work out a mentorship program with geologists as they are often both working on larger projects. This would be a form of peer review. Griffin noted that currently there is no system for peer review or oversight of archaeology reports. He sees this as a shortcoming in the archaeology field.

Griffin encouraged the Board to consider outreach to local university professors and students about the public practice of geology. The Board discussed looking for potential outreach opportunities to reach a broader audience and share information about geologist registration. Griffin noted that OSU is the only Oregon institution with a geoarchaeology program and one of the few in the nation. Davis agreed that such programs are limited but said there are also programs at Washington State University and Boise State.

Bill Orr, who joined the Board during the conversation, noted that the Board had this same kind of discussion back in 1978 when the Board was formed. He was involved with the Board at the time. He stated that Oregon is unique in that paleontologists must be registered with the Board. In other states, paleontologists may or may not be competent, but their work is not regulated as the public practice of geology.

Chair Yinger thanked the guests for participating in the discussion and adjourned the work session at 12:10 PM. The Board did not have time to discuss topics for the next work session.

### \*\*\*QUARTERLY MEETING MINUTES\*\*\*

Chair Yinger called the meeting of the Oregon State Board of Geologist Examiners (OSBGE) to order at 12:41 PM.

**Welcome & Introductions:** Guests Orr and Mahoney remained from the work session. No one else was present at this time beyond Board members and staff.

**Meeting Agenda Review:** Chair Yinger opened discussion on the meeting agenda. Valentine offered a clarification re: Agenda Item 4: the Board had a fourth item (d.) to consider, an inquiry related to public practice of geology and environmental site assessment work which was inadvertently left off the agenda. Valentine also pointed out the Board could consider two sets of meeting minutes under Agenda Item 3 or hold the minutes from the joint OSBGE-OSBEELS meeting until Old Business. McConnell asked to add New Business a discussion of information from ASBOG about the new geology registration in Louisiana State. Board members did not have any other comments.

**Minutes:** Chair Yinger opened discussion on the meeting minutes for Sept. 20, 2013. He asked if Board members had any comments or corrections. Hearing none, he asked for a motion. *McConnell moved to approve the Sept. 20, 2013 minutes as presented. Thiessen seconded the motion. Chair Yinger asked for discussion and hearing none called for a vote, and all approved.*

Chair Yinger then opened discussion on the meeting minutes for October 20, 2013. These minutes covered the joint meeting held with OSBEELS. The Board decided to address these at this time. There was brief discussion about how the Board members felt this was a good meeting. *McConnell moved to approve the Oct. 10, 2013 minutes as presented. Stroud seconded the motion. Chair Yinger asked for discussion and hearing none called for a vote, and all approved.*

At 12:55 PM, Steve Tucker joined the Board. Chair Yinger asked Tucker to introduce himself and then the Board members and staff provided brief introductions of themselves. Tucker explained that he works in radon gas testing and is potentially interested in learning more about the Board's public member position. He said that although he is not a geologist, he has a lot of interest in the field of geology. Heinzkill agreed to be a resource for Tucker about what the role of public member entails.

**Correspondence:** Chair Yinger opened discussion and asked guest Orr to address the first item.

➤ ASBOG Annual Meeting Report: Orr reported that he attended the ASBOG fall Council of Examiners (COE) and annual meeting in Knoxville, Tennessee as proxy for the Board and proceeded to report on these events. Orr stated that his work with ASBOG goes back to 1997. He noted a dichotomy in ASBOG, with most of the senior participants being retired academicians like himself and continuing to volunteer to review the geology fundamentals part of the ASBOG exam and a younger group of practitioners volunteering to review the practice part of exam. He summarized the events attended and the topics discussed as follows: (1) COE was Oct. 30-31<sup>st</sup>, and he was in a group looking at new questions to add to the exam question bank, (2) field trip was on 11/1, (3) Presidents dinner was also on 11/1 and was an opportunity to preview the agenda for the annual meeting to identify and take care of problems ahead of time but with no decisions made, and (4) annual meeting was on 11/2. ASBOG did not have anything for the state board members to vote on this time. Key topics of discussion at the annual meeting were consistency in state reciprocity requirements, ethics questions for the exam, the ASBOG process for appointment of committee members, whether ASBOG could increase transparency about its finances, possible opportunities to encourage more geology as part of K-12 school science curriculums, and the 2014 task analysis survey. Orr noted that the next COE will be April 2014 in Buffalo, NY and the next annual meeting in Nov. 2014 in Indianapolis, Indiana. Orr encouraged newer Board members to attend an ASBOG COE as good experience for understanding the ASBOG exam. The Board thanked Orr for serving as proxy for OSBGE.

➤ ODOT Revised Memorandum: Valentine referred the Board to the revised memorandum submitted by ODOT in response to the discussion between ODOT staff and the Board at the Sept. 20, 2013 meeting. She noted that the earlier discussion is detailed in the meeting minutes. She also directed the Board's attention to the draft response letter prepared per the Board's request at the Sept. 20, 2013 meeting. Board members confirmed that the response letter was acceptable as drafted. Chair Yinger asked Mahoney if he wanted to review the draft and comment on behalf of ODOT. Mahoney did so and stated that he thought the letter would help bridge the gap that has come up at ODOT. He felt it was responsive to ODOT's request for guidance and that the advisories in the letter were good reminders for agency managers. *Thiessen moved to approve issuance of the letter to ODOT re: stamping and signing as drafted by staff. Stroud seconded the*

*motion. Chair Yinger asked if there was any discussion and hearing none called the vote. All approved.*

Tucker left the meeting at 1:28 PM due to other business commitments.

➤ Inquiry re: CEG Scope of Practice: Valentine explained that the email inquiry has been discussed between Stroud and herself. She drafted a possible response after reviewing various letters, emails, and meeting minutes. Stroud provided some possible revisions. Valentine then decided to inquire further with the CEG about his views. In the end, she was uncertain about the draft response due to some differences in opinions of past and present Board members and CEGs over time about scope of practice issues. The Board directed staff to respond to the registrant as follows: (1) inquire if this is an official inquiry on behalf of the Oregon Department of Forestry or a personal inquiry and if a Forestry inquiry, offer an opportunity to discuss with the agency at a future meeting; (2) caution the registrant that answers to his questions must be situation specific and also dependent on the training and experience of the CEG involved; (3) remind the registrant that the OSBEELS determines scope of work for professional engineers and has defined by rule what an engineer with a geotechnical engineering specialty can do; (4) remind the registrant that there is a lot of overlap between the scope of practice for a geotechnical engineer and CEG

Hans Fiege, RG, joined the Board at 1:45 PM. Fiege explained that he is interested in serving as a Board member. Chair Yinger asked him to address his background and why he is considering service on the Board. Fiege did so and then Board members and staff gave quick introductions of themselves.

➤ Site Assessments/Public Practice of Geology: Valentine summarized the inquiry and her discussion with the individual. She noted that the Board discussed this topic generally during the work session as it considered the Professional Practices Guidance document. Several board members suggested sending draft text from the Professional Practices Guidance document. Yinger stated that he could assist with drafting a response.

**Administrator Report:** Chair Yinger asked Valentine to present the report.

➤ Narrative Report: Valentine asked if Board members had any particular questions and hearing none proceeded to highlight several topics that would not be taken up on the agenda elsewhere or that she thought otherwise warranted quick discussion. She started by pointing out that the last Board elections for officers occurred at the December 2012 meeting. She also noted that the Board would likely be without its current Chair at the first meeting of 2014 so should consider electing new officers at this meeting. She then moved to briefing the Board about two important assessments of Board operations – an IT assessment and financial review. First, Valentine reminded the Board about how staff has been working with the Department of Administrative Services to finalize an IT assessment. She reported that a draft report is expected sometime in late December or early January. So far, DAS has indicated no substantial concerns and has offered positive feedback about the Board’s IT contractors. Second, Valentine explained that the Board’s biennial financial review was completed this October. She presented the financial review report and noted that the number of findings was reduced from 16 for 2009-2011 to 5 for 2011-2013. She felt this was a reflection of the Board’s efforts to update procedures and policies plus its continued careful oversight of financial matters. She referred the Board to a draft response to the findings. She suggested that the Board consider the finding about establishing a check signing limit, although she did not believe the Board had to make a decision immediately. The Board supported the draft response letter. There was brief discussion about the Board considering a check signing limit in the past and deciding against it. Valentine then handed out a separate letter

from the accountant related to setting a reserve and recommended that the Board return to consideration of a Reserves policy in 2014. She reminded the Board that a draft Reserves Policy was discussed during development of the 2013-2015 budget but never finalized. The Board agreed to look at this in 2014.

Valentine next referred the Board to the copy of the schedule for legislative concepts for the 2015 regular session of the Oregon Legislature. The Board confirmed that it does not anticipate any legislative concepts for OSBGE.

Valentine gave an update on meetings of the Semi-Independent Board Association (SIBA) she had attended since the last Board meeting. She reported on recent topics of discussion including a performance audit underway at the Secretary of State's Office for all health licensing boards and review with the Legislative Fiscal Office about the biennial reports due April 1, 2014.

➤Policies/Procedures/Agreements: Valentine confirmed the Board's understanding of the Public Employees Benefits Board (PEBB) contract for 2014 benefits. Valentine will once again sign the annual contract on behalf of the Board.

Valentine explained that the issue of a Board government-to-government policy for relations with Oregon Sovereign Nations came up as she and McConnell worked on the Professional Practices Guidance document. The Board policy was drafted in 2007 and is not feasible to implement nor does it address a specific need or problem. Valentine suggested that the Board might suspend the policy and craft a revised policy statement to take its place. McConnell suggested leaving the policy as is until the policy statement could be ready for the Board to adopt. Valentine noted that other SIBA boards do not have similar policies.

Valentine asked the Board to consider adoption of revisions to its Electronic Fund Transfer policy to simultaneously reflect actual practices and address financial review recommendation. *McConnell moved to approve the amendments to the Electronic Fund Transfer policy as drafted by staff and dated Dec. 13, 2013. Stroud seconded the motion. Yinger asked if there was any discussion. Hearing none, he called the vote, and all approved.*

➤Updated Revenue/Expense Report for Current Biennium: Valentine gave an overview of the report. She pointed out a few things she thought might be confusing. The ASBOG Membership dues did not go up from \$4,500 but instead an ASBOG meeting registration fee was inadvertently added into that line item when it should have been in a separate line item. For the Professional Services line item, as mentioned at previous meeting, the Board will go over the year 1 anticipated budget. This is due to the Engineering Geology Report guideline project being delayed, such that expenses anticipated in the previous biennium did not occur until the current biennium. This will be monitored but ultimately the Board will need to shift between line items and can use some of the carryover/reserve included on the revenue side of the budget. She reminded the Board that it can amend line items as necessary so long as the budget stays within the total budgeted expenditure in the Operating Budget rule.

➤Approve Quarterly Check/Debit Log: Valentine answered questions about exam and registration refunds and check numbers. *Stroud moved to approve the check log for Sept. 1 through Nov. 27, 2013 covering debits 9/3/2013 through 11/20/2013 and checks # 3645 through 3688. Thiessen seconded the motion. Chair Yinger called the vote, and all approved.*

➤5-Year Comparison of Changes in Monthly Renewals and Examinations: Valentine noted that staff continues to receive late registrations for October and November so those numbers will likely

change further. She noted the addition of notation on percent change between years in the bottom row, e.g. between 2011 and 2012 the Board saw less than 1% loss of total registrants. This is another way to give some context to the month-by-month numbers.

➤Update on Edward Jones Investments: Valentine referred the Board to the account statement. She noted that one CD matures this month, and funds will be reinvested per Board's standing investment instructions.

Chair Yinger called for a break at 2:30 PM. He reconvened the Board at 2:42 PM.

**Compliance Report:** Heinzkill reported that no new complaints have been filed with the Board. He then addressed a closed case, CC #11-12-003, regarding CEG involvement in construction of an embankment for a roadway. He reported that a related OSBEELS case was before the JCC on October 24, 2013. The JCC recommended that, based on information developed in OSBEELS investigatory process, OSBEELS pursue unlicensed practice of engineering against the CEG. This recommendation was based on OSBEELS finding that the engineer involved was not in responsible charge of all engineering work. The Board will need to monitor the OSBEELS process and address whether to re-open its case when an OSBEELS order is available for consideration. For open case CC#13-01-005, Heinzkill reported that the complaint is that a person not registered publicly practiced geology as part of a specific project in central Oregon. Staff has been directed to prepare a document outlining steps for informal resolution of the case, with the Board not taking formal action at this time. For open cases CC#13-01-006 and #13-01-007, Heinzkill reported that these are related to CC#13-01-005 and await resolution of issues with that case; no Board action at this time.

*McConnell moved to adopt the Delegation of Authority amendment dated December 13, 2013 and addressing the processing of complaints. Stroud seconded the motion. Chair Yinger asked if there were any comments. McConnell clarified for the record that counsel has reviewed the document. Heinzkill offered that he also had reviewed a draft, and staff satisfactorily addressed his comments. Hearing no further discussion, Yinger called the vote, and all approved.*

*Thiessen moved to adopt the updated technical reviewer evaluation form with revision of the use of the terminology "standard of care" changed to "standard of practice" in all cases. McConnell seconded the motion. Chair Yinger asked if there was any discussion. Hearing no comments, he called the vote, and all approved.*

**Committee Reports:** Chair Yinger opened discussion on the committee reports.

➤Administrative Rules: Chair Yinger reported that the Committee has not been active as the Board currently is not working on rules. Valentine confirmed that the rule amendments related to proctored reviews adopted at the Sept. 20, 2013 meeting were filed with the Secretary of State shortly after the Board's last meeting.

Valentine presented the issue of handing minor administrative corrections to Board rules. She suggested the Board might want to delegate authority for such filings to staff. She gave an example of a correction needed to a rule citation in the Misconduct rule as an example. The Board discussed the idea. *McConnell moved to delegate the authority for filing of abbreviated rulemakings per ORS 183.335(7) to the Administrator but with the requirement that the Administrator notify the Chair of any such filing before it is submitted to the Secretary of State's Office. Stroud seconded the motion. Chair Yinger, hearing no further discussion, called the vote, and all approved.*

➤ Budget: Chair Yinger and Valentine stated that there was nothing new to report for this committee.

➤ Legislative: McConnell provided a quick update on the upcoming 2014 legislative session, sharing information about the Governor's top priorities for the short session. She noted that staff will need to monitor the session for possible outcomes that might impact Board operations, and Valentine agreed that this was prudent.

➤ CEG Examination Committee: Thiessen reported that he would be participating by phone in a meeting of the Washington Geology Licensing Board (WGLB) engineering geology exam committee on Dec. 16, 2013. This Committee intends to conduct a limited exam review due to concerns with the last exam administration. Valentine noted that she will also participate by phone and that staff has cooperated by sharing generic information about Oregon exam results for the exam form used. Thiessen and Valentine will report back at the next Board meeting.

Valentine had two additional items for the Board's consideration. First, she requested Board approval of a new agreement for January 1, 2014 through June 30, 2019 addressing cooperative management and administration of the CEG exam between the two state boards. She noted that this is essentially the same as the agreement expiring on December 31, 2013. She explained that the agreement has been reviewed by the Department of Justice (DOJ) and pointed out the limited modifications requested as a result of that review. *McConnell moved to have Valentine finalize and sign the interagency agreement with the Washington Geologist Licensing Board – Department of Licensing regarding the CEG exam. Thiessen seconded the motion. Chair Yinger asked if there were any comments. Thiessen pointed out that Washington does not use CEG. McConnell amended her motion to not refer specifically to CEG but instead engineering geologist exam. Thiessen seconded the motion and then confirmed that Valentine if she was comfortable with handling the incorporation of the DOJ comments. Chair Yinger called the vote, and all approved.*

Valentine closed the committee report by providing an update on the WGLB efforts to discuss a reciprocity agreement with the California board. WGLB representatives will be participating in a January 14, 2014 meeting of the CA board to discuss this further.

➤ Joint Compliance Committee (JCC): Stroud and Thiessen spoke about the October 24, 2013 meeting of the JCC. They reported that the meeting went well and that there was a full agenda. Heinzkill reported that he attended the meeting as an observer. Issues related to OSBGE complaint cases had been covered earlier in the day. The Committee report to the Board covered the following items:

- The JCC covered several cases, meeting procedures, the memorandum of understanding between the Boards, etc. They referred the other Board members to the draft meeting minutes. Valentine added that she anticipates the JCC will review and approve the minutes at its next meeting, which is currently scheduled for February 6, 2014. She will be sending some edits on OSBGE's behalf to OSBEELS staff so those could be considered by the JCC when it reviews the minutes. The JCC decided to get through a few meetings to see how processes should be changed.
- The JCC talked about an old DOJ legal opinion on practice overlap between engineering geologists and engineers and learned from OSBEELS counsel what steps it would take to update the opinion if requested by the Boards. The JCC decided that members would take the question of whether to pursue an update of the opinion back to the full Boards for more discussion. The

Board then proceeded to discuss possible pros and cons of investing time and finances into an update of the opinion. The Board ultimately decided to discuss the opinion at a future work session and invite counsel to be part of that discussion.

- The JCC worked from the OSBEELS rule defining geotechnical engineering. Other Board members were not aware of this rule. Valentine pointed out that the rule was adopted some time ago and has not been revised any time recently.
- The JCC agreed to meet 3 times a year, first Thursdays in February, May and October, with meetings by phone if needed. The JCC will meet even if there are no active complaint cases to discuss to allow for work on procedures and to maintain communications.
- The JCC decided to recommend that each Board appoint an alternate. Board members discussed this idea and ultimately there was not consensus on appointment of an alternate. McConnell expressed concern that someone not on the Board or previously on the Board would not know how to deal with the complaint-related issues. Others expressed a concern about continuity if the alternate only steps in to the process on occasion. No final decision was made.

➤Outreach: Chair Yinger confirmed there was nothing to report for this Committee.

**Application Review Report & Consent Agenda:** Valentine reported that staff did not encounter any problematic applications in the quarter. Chair Yinger formally presented the consent agenda covering approvals issued September 7 – Nov. 27, 2013 to the Board and asked if there were any requests to remove items from the consent agenda. Hearing no discussion or requests to remove items, Yinger asked for a motion to approve the consent agenda. *Stroud moved to approve the consent agenda as presented for period of Sept. 7 – Nov 27. McConnell seconded the motion. Chair Yinger called for a vote, and all approved.*

Valentine mentioned to the Board that she recently fielded an inquiry about the Board's rule for reissuance of revoked registration but that no request has been filed.

**Old Business:** The Board attended to several items of Old Business.

➤OSBGE-OSBEELS Joint Meeting Recap: The Board approved the minutes earlier in the day and did not further discuss the joint meeting other than to repeat that it was seen as a worthwhile, productive meeting.

➤Review of pending/in process action items: Valentine offered that the Board continues to make progress on action items. Chair Yinger confirmed that he is willing to continue as editor for the Hydrogeology Report guideline after his term expires in February 2014 at least through development of the public review draft.

➤New members: The Board met two individuals over the course of the day with interest in Board membership. Board members expressed that both seemed like strong candidates. Valentine said she will continue to communicate with the Governor's Office on the recruitment process.

➤Newsletter update: Valentine noted that the Winter newsletter will go out in January or February. She always welcomes input regarding possible content. Board members suggested she consider an article with reminders about stamping/signing and an update on the JCC and meeting with OSBEELS in addition to news on the guideline updates.

➤ ASBOG Task Analysis Survey Workshop: Valentine directed the Board’s attention to information from ASBOG about 2014 workshops. The Board decided to not yet commit to participating in the process.

**New Business:** The Board attended to several items of new business.

➤ ASBOG Notice – Louisiana’s New Registration Board: McConnell asked staff to send an email to those registrants with emails on files forwarding information ASBOG provided about the Louisiana grandfathering process. The ASBOG correspondence notes that Louisiana is instituting a new registration program for geologists.

➤ Board Officer Elections: The Board discussed whether to proceed with elections. While there was a desire to have all Board members present, the Board ultimately decided that it was best to ensure there was an appointed Chair prior to the next meeting in 2014. The Board could not guarantee that Yinger would still be on the Board at that time. Valentine noted that this also allows for Yinger and the new Chair to cross-train regarding Chair duties while both remain on the Board. Valentine confirmed that the Board has set officer terms as 1 year. *Chair Yinger moved to nominate Stroud for Chair and Thiessen for Vice Chair. McConnell seconded the nominations. Chair Yinger confirmed that Stroud and Thiessen were willing to accept the nominations and then called the vote. All voted in favor of Stroud and Thiessen for Chair and Vice Chair.*

➤ 2014 Meeting Dates: The Board selected the following Fridays for quarterly meetings in 2014: March 21, May 30, Sept. 12, and Dec. 12. The Board will later decide on whether the May or Dec. meeting will be held at a local university.

➤ Acknowledgement of Board Members: This occurred instead during an informal lunch prior to the Board meeting. For the record, the Board and staff recognized long-standing Board members Yinger and Heinkill for their work. Both finish second terms in Feb. 2014. They were thanked for their hard work and dedication over their many years on the Board and will be missed!

**Announcements:** Board members and staff had no announcements other than Happy Holidays to all.

Chair Yinger adjourned the meeting at 4:35 PM.

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The minutes of the December 13, 2013 quarterly work session and meeting were approved with revisions made herein at the March 21, 2014 Board meeting.

Christine Valentine, Administrator