

MEETING MINUTES
OREGON STATE BOARD OF GEOLOGIST EXAMINERS
10 A.M., Tuesday, June 5th, 2001
The Association Center, Salem, Oregon
Conference Room B

Members Present

Audrey Eldridge
John Beaulieu
Charles Hester

David Michael (via telephone from Florida)

William Orr

Gary Peterson

Staff Present:

Susanna Knight

Guest Present

Stu Albright, OSBEELS

Edward Graham, OSBEELS

Karen Hartley, DAS

Susan Marshall, DAS

- I. APPROVAL OF AGENDA** *Chair Orr* called the meeting to order at 10:10AM and announced that the agenda would be adjusted as follows to accommodate our DAS visitors and the Board's attorney:
- A. VI. Old Business, B. Memorandum of Understanding;
 - B. IV. Reports, B. Committee Reports, 6. Compliance Committee; and
 - C. V. Correspondence, C. and D.

- II. APPROVAL OF MINUTES** *Hester* moved to approve the minutes of the 3/13/2001 Meeting. *Eldridge* seconded. *Peterson* questioned the lack of information regarding Jonathan Sprecher's visit. The Board confirmed that his discussion was during the work session before the meeting. Motion passed unanimously.

III. ANNOUNCEMENTS

- A. Board Meeting September 18th. Due to travel conflicts for *Eldridge*, the meeting will be held in Salem at The Association Center.
- B. Confirm Additional Board Meeting Date for 2001: The December 18th meeting will be held in Portland at DOGAMI's office. *Hester* requested that the Board consider meeting on the second Tuesday of the even numbered months. No action was taken.

IV. REPORTS

A. Office Report

1. **AR2001-02: Summary of Staff Activities** since 3/13/2001 *Knight* distributed her report. She directed the Board to the results of the ASBOG exam given in March. The Board had another fine showing with a pass rate of 94% on the fundamental portion and 92% on the practice portion.

2. **Budget Status for 1999-2001:** *Knight* distributed the biennium to date report. Although actual income has not met projected income, expenses have been controlled and the Board has stayed within their budget for the first 23 months of the biennium. *Hester* reported that he did research for OSBEELS, as their public member, on changing their banking institution. He is recommending that

OSBGE also consider such a change. The Board has been banking at First Security since it became semi-independent. However, Wells Fargo recently bought out that financial institution. *Knight* to research this possibility. *Hester* also suggested the appointment of a Finance Committee of two members to oversee budget and bank issues. No discussion or action on this suggestion.

B. Committee Reports

1. **CEG:** *Peterson* reported that the CEG Exam Committee met on March 13th following the Board Meeting. They will set dates to continue working on this project.
2. **OR Specific Exam:** *Orr* indicated that there is a nice pool of questions and the process is working smoothly.
3. **Outreach Committee:** *Orr* No report.
4. **Rules & Regulations Committee:** *Eldridge* reported that a meeting is scheduled in July with *Knight*. A number of items should be ready for the Board's consideration at the September meeting.
5. **Professional Practice Committee:** *Michael* No report.
6. **Compliance Committee:** *Hester* distributed an update of all compliance cases.
 - a. *Hester* recommended action on CC #00-05-004 and CC #00-05-005 by signing an agreement with the respondent whereby he would agree to cease the public practice of geology until he is properly registered.
 - b. CC #00-06-006 *Peterson* summarized the issues of the file. The Board suggested that the respondent be invited in to discuss practice concerns with the Compliance Committee.
 - c. CC #00-06-008 *Beaulieu* distributed his review of follow up information received from OSBEELS in response to OSBGE's concerns. *Knight* directed to respond and include *Beaulieu's* review. Also suggest that engineers doing geology upgrade their performance.
 - d. CC #00-07-011 *Hester* requested that all information be forwarded to OSBEELS with the concern that the report is hydrogeology. No Board action required.
 - e. CC #01-01-001 *Eldridge* distributed her review. The report represents an EIT working without supervision. Investigation into the report revealed that an RG had done the geology work. *Eldridge* recommended that that the information on the EIT be forwarded to OSBEELS but that a new case be opened against a Registered Geologist for failure to stamp his work [CC#01-01-001].
 - f. CC # 01-03-002 *Eldridge* distributed her review on this case. *Hester* stated that all information in this case should be forwarded to OSBEELS as the respondent is a PE. OSBGE's concern is if this individual is qualified to practice hydrogeology. No Board action is required.
7. **Legislative Issues:** *Beaulieu* reported that SB447 had been referred to the House Rules Committee. Although the session is nearing an end, it is still possible that it could be heard. *Knight* reported that HB2197 passed both the House and Senate and has been signed by the Governor. This bill clarified registrants as Registered Geologists (RG). HB2106 was an effort to change the complaint process. It received strong support on the House side, but was shelved by Senator Fischer on the Senate side and never received a hearing. *Hester* and *Knight* met with the Senator and encouraged consideration, but to no avail. HB2107 was a bill to give lien rights to geologists. It never had a hearing.

V. CORRESPONDENCE

- A. **AC 01 05 149:** *Letter from City of Salem to ASCE, Oregon Section;* Board directed *Knight* to respond to the loopholes in the letter. Include information about progress with the MOU process.

- B. **AC 01 05 150:** *Email regarding CEG Practice:* Practice issues will be covered under the MOU.
- C. **AC 01 05 139:** *Letter from Kleinman, public testimony information;* CC #99-12-012 was closed at the March meeting. This follow-up letter was received offering general information about the public testimony process. *Chute* discussed the public testimony process with the Board. She urged the Board to prepare an article for the Board's newsletter discussing the Board's perspective on the public testimony process.
- D. **AC 01 06 160:** *Fax from Kleinman, request to review Letter of Concern CC#99-12-012;* *Hester* moved to issue a letter to Kleinman indicating the Board's thanks for his interest, but that no new evidence was presented and therefore the Board would not reconsider their letter of concern. *Eldridge* seconded. Unanimously passed.

VI. Old Business

- A. **Long Range Planning** [Strategic Planning]: *Knight* distributed an updated draft that included those additional items offered at the March meeting. The draft will become the working document for the work session prior to the September 18th Board meeting.
- B. **Review of MOU:** *Beaulieu* summarized the process whereby OSBGE's Board Member Gary Peterson and OSBEELS's Board Member Stu Albright had met with him to develop a draft MEMORANDUM OF UNDERSTANDING. In preparing the MOU, samples from Alabama, Georgia, Mississippi and Wyoming were reviewed. He included Board history, which revealed that in the 1980's, the Boards had worked together when common areas of practice had been questioned. *Beaulieu* stated that it was not his intent by reviewing the MOU today that OSBGE would move ahead of OSBEELS in the first review. It had been anticipated that OSBEELS would have reviewed the MOU in their May meeting but it was not. *Beaulieu* stated that it is very important that there be a good working relationship between the Boards.

The next portion of the MOU discussion was facilitated by *Susan Marshall* and *Karen Hartley* of DAS, Risk Management Division, Public Policy Dispute Resolution Program. They reviewed the MOU and came to offer suggestions for strengthening the document. *Marshall* stated that the goal of her office is to integrate a Dispute Resolution process into the state process, and in particular, into collaborative efforts. The Boards should move toward collaborative planning and/or problem solving. She stated that in moving to a collaborative process for problem solving, a conflict resolution process must be designed. In designing such a process, each Board must *first* recognize what they are trying to accomplish; *secondly*, they must be true to their mission in the resolution process; and *thirdly*, Board's should attempt to resolve conflicts at the lowest level. She stressed that it is important to communicate before a position is taken. She recommended being proactive with the Joint Committee early in the process.

Hartley discussed a collaborative vs. cooperative process. She stated that the prime step is talking together: can the issue be resolved quickly or does it need to be moved on? She recommended that each Board must understand the collaborative effort. She suggested that the Boards meet together and discuss this. System planning must be done as Boards to assess the process and determine the best way to proceed. When the Joint Committee sees no clear resolution, the time frame must not allow for a black hole. *Hartley* suggested policy mediation as a possible way to proceed with current cases.

Prior to departing at 11:00 AM, *Marshall* and *Hartley* stated that grant funds are available for Public Policy Facilitated Processes such as mediation. They commended both Boards for progress to date on

the MOU design. Following their departure, discussion continued regarding the overlap of professions. The Joint Committee could determine that public safety is the issue and a letter from both Boards could be issued. Discussion supported that each Board would be responsible for disciplining their own registrants. *Chair Orr* closed the discussion at noon, charging *Beaulieu* with revising the draft and requesting that OSBEELS review the document at their July meeting.

VII. ITEMS FOR BOARD ACTION

- A. Compliance Matters:** *Eldridge* moved to approve the draft agreement that requires that the non-registrant cease the public practice of geology until registered; *Peterson* seconded. Passed.
- B. MOU Approval,** *Beaulieu* will revise the MOU based upon input from the Board's discussion and forward it to both Gary Peterson, OSBGE and Stan Albright, OSBEELS.
- C. Approve Check Log:** #1380 to 1431; #1432 to 1479; #1480 to 1500; *Eldridge* moved to approve the check logs as presented; *Hester* seconded. Passed unanimously.
- D. Assign Board Members for Administrators Annual Review:** *Orr and Eldridge* volunteered to prepare the annual review of the Administrator.

VII. PUBLIC COMMENT No public comment.

Hester moved to adjourn. Seconded and Passed. Meeting adjourned at 2:55 PM.

Respectfully submitted,

Susanna Knight
Administrator

Minutes were approved as presented at the September 18th, 2001, Board Meeting.

Susanna R. Knight, Administrator

Date