

MEETING MINUTES
OREGON STATE BOARD OF GEOLOGIST EXAMINERS
PORTLAND STATE UNIVERSITY, CRAMER HALL, ROOM 68
DECEMBER 7, 2007

Members Present

Christopher Humphrey, RG, CEG
Allen Morris, Public Member
Steve Taylor, PhD, RG
Rodney Weick, RG, CEG

Staff Present:

Susanna Knight, Administrator
Kyle Martin, AAG [1:00 PM to 3:00 PM]

Members Excused

Vicki McConnell, PhD, RG, State Geologist
Allen Morris, Public Member

Present for Work Session:

Gary Peterson, RG, CEG, Former Board Member [8:30 AM to 10:30 AM]
Professor Scott Burns, RG, CEG [8:30 AM to 12:30 PM]

The Board meeting was preceded by a Work Session convened at 8:30 AM. **JCC:** The Board welcomed former Board Member and Joint Compliance Committee member *Peterson* in a discussion about the work of the Joint Compliance Committee (JCC) in reviewing geology and engineering work in the overlap practice arena. Peterson reminded the Board that the JCC agreed to evaluate overlap concerns of practice by asking these questions: (1) Is the person being complained about practicing within their area of competence and the scope of their license? (2) Is the quality of work up to accepted professional standards of the licensed profession? (3) Does the practice of the person being complained about jeopardize the safety or welfare of the public? The group also discussed current professional terminology that identifies geology practitioners as design professionals providing design services. *Taylor* inquired if the discussion of the term “design” at the JCC meeting was based on a compliance case. The JCC members shared that it was based on the July 2007 newsletter article published by the Board. *Taylor* reminded the Board that their directive is to protect the public. *Humphrey and Weick* also provided information about the discussion regarding the Oregon State Board of Examiners for Engineering and Land Surveying’s (OSBEELS) procedure in reviewing and closing JCC cases. The Law Enforcement Committee (LEC) of OSBEELS has been acting on JCC cases and making recommendations to the Board. The JCC then revisited prior discussions in which it was determined that cases of the JCC should go to OSBEELS directly, not through the LEC.

COE: The Board then discussed the role of the ASBOG Council of Examiners (COE) identifying it as the body that develops exam questions and finalizes each national exam. *Taylor* explained that day one of the COE is spent on follow-up on the just administered examination. Day two of the COE pulls together the next test to be administered. Knight distributed the historical list of Board member participation in the COE. She identified the Board policy of two members participating in each COE and explained staff’s philosophy about participation in the COE. Historically, the Board member coming from academia participates in the fundamental exam section of the COE; participation in the practice section is alternated amongst the other registered Board members that are available on the dates of the COE. The Board agreed that *Taylor* is a good fit for the fundamental section of the COE; *Weick* agreed to participate in the Spring COE in Cody, Wyoming

which will be his first. *Humphrey* will participate in the fall COE in Chicago, Illinois and stay on and serve as the delegate to the national ASBOG meeting.

Guidelines: The next discussion item for the Work Session was the information posted on the web titled “guidelines” approved by the Board. The Engineering Guidelines were published early in the 1990’s and are in need of updating. The Hydrogeology Guidelines were approved in 2005. Since the publication, the Board agreed that Guidelines for Geology Reports should also be considered. That draft document is near completion. The discussion surrounded another agency’s directive for implementing their procedures. *Taylor* offered that if modeling the best practices were core to the guidelines, then that could be the framework the Board would use in regulating the profession. The Board agreed that the next two work sessions should focus on the role of guidelines and the implementation of that role.

The Board discussed briefly the initial draft of the Geology Report Guidelines as the final draft did not arrive for the meeting. *Taylor* commended former Board Member *Webb* on her effort in pulling together the document and recommended that both the final draft and the role of that document be included in the Work Session of the March meeting.

At 11:45 AM, the Board was joined for lunch by three Portland State University graduate students and one professor. Topics for lunch discussion included pre-university geology coursework; PSU’s geology program which is directed at active field work for future employment of graduates; and the application process for sitting for the national ASBOG exam.

1. The quarterly meeting of the Oregon State Board of Geologist Examiners was called to order by *Chair Taylor* at 1:03 PM. The Board was joined by Assistant Attorney General (AAG) *Kyle Martin*.

2. **Agenda:** *Weick* moved to approve the agenda as presented. *Seconded and passed.* *Humphrey, yes; Taylor, yes; Weick, yes.*

Executive Session: At 1:05 PM, *Taylor* announced:

“The Board will now meet in executive session for the purpose of reviewing documents that are exempt by law from public inspection under ORS 192.660(2)(f). Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No decision will be made in executive session. At the end of the executive session, we will return to open session and welcome the audience back into the room.”

At 3:10 PM, the Board returned to the open meeting. AAG *Martin* departed. *Taylor* stated that no decisions were made during Executive Session and any action from the session would occur during scheduled agenda items. *Taylor* also noted that the Governor’s office is considering applicants for the Board’s current opening for a Registered Geologist due to the resignation of *Eileen Webb* who moved out of state. The Public Member position will be vacated January 24, 2008, and applicants for that position are needed.

3. **Meeting Minutes:** Knight reported that in completing follow-up actions from the last meeting after the Board packets were distributed for this meeting, she discovered that two compliance reports were melded and a revision to the minutes was necessary. The minutes were subsequently revised however, the revised minutes are not the ones in the Board packet being considered for approval. *Weick* moved that approval of the October 19, 2007, meeting minutes be postponed pending review of the final draft. *Seconded and passed. Humphrey, yes; Taylor, yes; Weick, yes.* *Taylor* moved to approve the November 12, 2007 special meeting minutes. *Seconded and passed. Humphrey, yes; Taylor, yes; Weick, yes.*

4. Announcements

a. The next Board exams will be administered at Chemeketa Community College on March 7, 2008. Proctors are needed. *Taylor* indicated that his university schedule for winter term will not allow him to proctor this time. Members are to check their schedules and get back to Knight.

b. Per discussion in the Work Session, *Weick and Taylor* will participate in the ASBOG COE, Cody, Wyoming, April 4 & 5, 2008. *Humphrey* will serve as the 2008 delegate to the ASBOG national meeting in Chicago and will also serve on the COE along with *Taylor*.

c. The following Board Meeting dates were approved for 2008: Thursday, March 13, 2008; Friday, June 13, 2008; Friday, September 12, 2008; and Friday, December 5, 2008. *Taylor* recommended that the last meeting of the year which rotates among university campuses be scheduled during dead week, which is the first week after Thanksgiving. The Board meeting could be a late November meeting rather than a December meeting, but it is possible that more students are on campus. Because Thanksgiving was early this year, dead week was the last full week in November and the Board meeting occurred on that last day of finals week and most students are already gone. *Taylor* also offered that the 11:00 AM to noon period should be reserved for a Board presentation with lunch following. The Board confirmed the outreach to campuses be continued annually in December and *Knight* offered that next year's December meeting will be on the campus of the University of Oregon.

5. Administrator Reports

a. *Knight* directed the Board to the Administrator Report AR 2007-4: SUMMARY OF STAFF ACTIVITIES since 10/16/2007 provided before the meeting. Oregon's pass rate on the practice section of the ASBOG examination was an outstanding 100%. In addition, the largest group in years sat for the fundamental section and the pass rate was 83%. New registrants will be listed in the upcoming newsletter. Two new CEG registrants were also added to the Board roster during the last exam administration. Discussions are underway with the Washington Board to commence the CEG Task Analysis early in 2008. Neither the updated Certificate of Deposit report nor the Action List was available for distribution.

b. *Knight* reminded the Board that revenues are at their highest during October and November, but the slow months of January, February and March offset the fall income. The printed Financial Report of 7/1/2007 to 11/21/2007 covers just over four months of the biennium. October renewals were down about 7%, but they could still bounce back over the ensuing months.

c. *Weick* moved to accept the check log of #2654 to #2693 and #9070 to #9072. *Seconded.* In the ensuing discussion, *Humphrey* inquired about a payment for the newsletter

given that it is now being delivered electronically. *Knight* informed the board that there are still numerous letters going out in the paper format to registrants with no email as well as the list of cities and counties. However, the reduction in quarterly cost is over \$500.00. A request was also made to include the total days or portion of days in the check log for which a stipend check is being issued to Board Members. *Motion passed. Humphrey, yes; Taylor, yes; Weick, yes.*

Taylor directed staff to move the Compliance Committee Report directly after the Administrator Report. The Compliance Report is important and it is imperative that necessary time be allotted.

6. Committee Reports

a. **Rules Advisory:** *Knight* stated that no follow-up to the three rule items discussed at the October meeting have been processed. *Humphrey* expressed concern about the “in responsible charge” term used in the Rules. In the early years of registration, many applicants did not have the opportunity to work under a registrant, so this “in responsible charge” allowed individuals to gain experience toward registration. It continues to assist those working in exempted fields and those having experience in states where no registration exists. The Board needs to go back to both the Statutes and the Rules and establish a strategy to deal with the term “in responsible charge”. *Taylor* offered that Board also needs to draft rules for Professional Standards of Practice and directed staff to enroll this as the Work Session agenda for the next two meetings.

b. Compliance Committee:

i. **CC#07-10-003:** *Humphrey* reported that the Registered Geologist signed and stamped a letter which contained information regarding site development. This letter should have been stamped by a CEG. The RG indicated in his response letter that he regretted applying his stamp in this particular situation. *Humphrey* moved to close the case with a letter thanking the RG for his response and notifying him that he must be more aware of the regulatory law in the future; that the state law supersedes local regulation when a CEG stamp is required; and the items in the report are CEG activities. *Seconded and passed. Humphrey, yes; Taylor, yes; Weick, yes.*

ii. **CC#06-02-005:** *Weick* moved to withdraw the previously issued Notice, without prejudice, in this case based on new information and advise of Counsel. *Seconded.* Members discussed that although information reviewed before approving the Notice appeared to represent the practice of geology, additional information regarding the role of an agent was considered by the Board. Members discussed that the term “Agent” is not clearly defined, and that it may simply indicate that the respondent was acting as a scribe for the applicant. *Motion passed: Humphrey, yes; Taylor, yes; Weick, yes.*

c. **CEG Exam:** *Humphrey* reported that he was asked by staff to review two applications for the CEG examination. Neither has worked under a CEG and he requested input from the Board.

- Applicant #1: Much of the experience of this applicant appears to be simply work of a “field technician”, not what is considered CEG work. All experience is under a PE, but does not appear to include engineering geologic interpretation and analysis. The Board needs to know the experience of this applicant in geological investigations. *Weick* asked about course requirements for the CEG examination and inquired if the Board should set the course standard. *Taylor* offered that this applicant must provide examples of work products where the applicant was the principle in charge of engineering geology work. Upon receipt of this information, additional review will continue.

- Applicant #2: This applicant worked for a company as a geologist doing CEG work on and his experience has not been under the supervision of a CEG or a PE. It appears as though he may have been working illegally; however, he has completed work that was received and reviewed by CEGs and that work has met the standard expected of the Board. The Board agreed to admit him to the exam. *Weick* offered that the employer needs a letter from the Board stating that doing CEG work requires a registrant and that assigning an RG without proper supervision is in violation of the geology statute. However, he also offered that the Board should allow a window of time for such individuals to become registered.
- d. Joint Compliance Committee (JCC):** *Weick* reported that the November 14, 2007, JCC meeting included a spirited discussion of the July OSBGE newsletter article about the practice of engineering geology. In another discussion, the JCC concurred that the decisions of the JCC should go to OSBEELS, not through the LEC. A Flow Chart was drafted identifying how JCC cases would be processed. The Board concurred that geologists are design service professionals and in addressing cases in the overlap area the three questions previously identified by the JCC should be asked: (1) Is the person being complained about practicing within their area of competence and the scope of their license? (2) Is the quality of work up to accepted professional standards of the licensed profession? (3) Does the practice of the person being complained about jeopardize the safety or welfare of the public?
- e. Legislative Committee:** In the absence of *McConnell*, no report was entered.
- f. Outreach Committee:** *Taylor* reported on two items:
- Follow-up from the watershed article published in the October newsletter: 1) because of the numerous interdisciplinary programs at OSU, the article is being circulated; 2) the article was submitted to DOGAMI for publishing; and 3) an invitation has been extended to appear at the River Restoration Conference at Skamania Lodge in February 2008.
 - The Science Panel evaluating Oregon science curriculum for grades K-12 is an interesting process. Master teachers around the state are *not aware* of the regulation of geology in Oregon or the presence of a State Geologist!
- g. Professional Practice Committee:** *Humphrey* reported that a section on watersheds has been added to the draft document currently titled “Professional Practice Guidelines” and that *Weick* owes a piece related to geo-hazards. *Taylor* inquired as to the goal of the document. *Humphrey* responded that it is to answer the question: What is the profession? It is an informational document identifying activities that fall into the profession. *Taylor* asked that the word “guidelines” be removed from the title and another term be selected. *Weick & Humphrey* will draft a newsletter article addressing Geologic Hazard Reports and the role of a CEG for single lots or subdivisions.
- h. CEG Report Guidelines:** *Humphrey/Weick* offered that information in this document should be considered in developing standards of practice in rule.

i. Geology Report Guidelines: The Board is awaiting the final draft document from former Board Member Webb. Upon delivery of the product, the Board will work on standards of practice in rule.

7. Correspondence

- a. **AC 07 10 268:** This inquiry about various registration statuses forwarded from the 10/16/2007 meeting was tabled and *Chair Taylor* directed that it be placed on the next meeting agenda.
- b. **AC 07 10 274:** Follow-up from this faxed info from OSBEELS LEC (from 10/16/2007 meeting) was handled at the JCC meeting in November.
- c. **AC 07 10 300:** A request was made of the Board to consider removing names in published public information about compliance cases and replace the name with case numbers. The Board agreed that published names will be replaced with compliance case numbers. *Humphrey* moved to replace names with case numbers in any published documents. *Seconded and passed. Humphrey, yes; Taylor, yes; Weick, yes.*
- d. **AC 07 10 304:** *Chair Taylor* directed staff to issue a thank you to ODOT for the follow-up information on ODOT's Pioneer Mountain to Eddyville Project.
- e. **AC 07 10 305:** *Chair Taylor* directed staff to forward a discussion about the concerns raised in the correspondence to the next meeting.
- f. **AC 07 10 306:** This correspondence is for informational purposes only and is follow-up to a watershed article in the October Examiner. It includes an invite to participate in a Rivers Northwest Symposium which *Chair Taylor* will attend. No Board follow-up is necessary.
- g. **AC 07 11 314:** The Board received a thank you from the Science Education Specialist at Oregon Department of Education for the opportunity to meet with the Board and share information about Oregon science curriculum and for providing a representative to the committee which will convene for two years to evaluate and make recommendations regarding science curriculum in grades K-12. No follow-up is necessary.

8. Old Business

- a. *Humphrey* reported that work on the PROFESSIONAL PRACTICE document is still underway and is not yet ready for adoption.
- b. *Taylor* reported that significant action was taken at the ASBOG National Meeting convened in Denver, Colorado on Saturday, November 3, 2007.
 - The Executive Committee asked for additional funding for the ASBOG Foundation but presented no information about this budget line item prior to the national meeting. Oregon was represented with a no vote based on October 19, 2007, Board meeting discussion.
 - Oregon was represented with a yes vote supporting the Foundation, as the Board supported the Foundation in 2006.
 - Progress has been made for using the fundamental section of the ASBOG exam as a university exit exam. A revised preliminary answer sheet for identifying candidates was shared with the group. Mississippi currently requires all university geology majors to sit for the fundamental examination at the time they complete their geology major.

9. New Business

- a. *Taylor* stated that the discussion of GUIDELINES FOR GEOLOGY REPORTS will be wrapped into the discussion about standards of practice for registrants to be held at the Work Session of the next meeting.

b. *Humphrey's* ideas for compliance strategies will also be wrapped into the Work Session discussion at the next meeting. It is important that the Board is consistent in their application of procedures. *Taylor* offered that a review sheet for reviewers should be drafted which provides procedural structure for Peer Reviewers and Board members and include the what, how and standard.

10. Public Comment: There was no public present.

Chair Taylor adjourned the meeting at 5:19 PM.

Respectfully submitted,

Susanna R. Knight
Administrator

Minutes of the December 7, 2007, Board meeting were approved at the March 6, 2008, quarterly meeting convened in Salem, Oregon.
Respectfully submitted,
Susanna Knight
Administrator

OSBGE Administrator Report

December 7, 2007

Action List: To be updated when additional follow-up from Board meeting is completed during the week of 11/26 to 11/30. An updated copy will be distributed at the Board meeting.

Financial Report: See the spreadsheet attached for the Budget versus Actual for the 2007-09 biennium. The first column of the spreadsheet contains the final budget figures for 2005-07. The Revenue vs. Expense report for the biennium to date and a balance sheet for the biennium to date are also attached.

- Pioneer Trust Bank balance as of 10/31/2007: \$147,322.25. Interest at 3.00%.
- CD Update: See the latest news attached.
- Registration renewals issued and processed as follows:
for 10/31/2007, 360/ 331 processed, two deceased; 27 not yet renewed (down 7.5%);
for 11/30/2007, 149/106 processed as of 11/26/2007; and
for 12/31/2007, 35 renewals issued.

Registration Update: Since the last Board meeting, four new registrants have been added by Cooperative Registration and the Board roster has the potential of adding new initial registrants as follows: 13 GITs and 12 RGs from the Fall examination results. In addition, 5 GITs are moving to the RG status.

Examinations: Results of the ASBOG examination were released on November 20, 2007. The pass rate for the practice section was 100%, 17 of 17 candidates passed the section; for the fundamental section, of 30 candidates, 25 passed (83% pass rate).

Communication:

- **Newsletter:** The next newsletter is scheduled for publication in January. If you know of information to be included, please contact staff.
- **Website:** The contract for website update service is working well.
- **Email:** If you become aware of any use of the former email of osbge@open.org, please alert staff as this email is no longer functioning for receiving Board information.

Other:

- **OR/WA EG Examination:** I visited with the Washington Geology Board's Program Manager when at the national ASBOG meeting in Denver. Because of the medical absence of her manager, the contract for the EG Task Analysis has not been finalized. OSBGE budgeted \$15,000 for the Task Analysis, but the cost could be higher than this amount.
- **Training/Public Law Conference:** I attended the November 6 & 7 conference in Salem. Eight concentrated sessions were part of the two days and it was very informative.
- **Computer Database Updates:** ASBOG exam results were processed electronically. A few bugs are still in the system, but the concept in general worked well.
- **Guidelines & Policies:** It is important that the Board come to an agreement about the role of "Guidelines" adopted by the Board. The discussion during our Work Session is critical.
- **Board Membership:** Al Morris has notified the Governor's office that he will not accept reappointment when his term expires January 24, 2008. If you know of any interested persons, please put them in contact with the Governor's office.

- **Meetings:** I participated in the JCC on Wednesday, November 14, 2007 and also attended a meeting of the Semi-Independent Board Administrators on that same day.

Respectfully prepared,
Susanna Knight, Administrator