

Oregon State Board of Geologist Examiners

MEETING MINUTES

December 5, 2008, 1:00 PM

Members Present

Richard Heinzkill, Public Member
Chris Humphrey, RG, CEG, Board Vice-Chair
Dr. Vicki McConnell, RG, State Geologist
Dr. Stephen Taylor, RG, Board Chair
Rodney Weick, RG, CEG
Mark Yinger, RG

Staff Present

Susanna Knight, Administrator

The quarterly meeting of the Oregon State Board of Geologist Examiners (OSBGE) was preceded by an 8:30 AM Work Session. Both the Work Session and the Board Meeting were convened in Cascade Hall on the campus of the University of Oregon. The Board addressed the following three items during the Work Session:

- Chair *Taylor* introduced the new exhibit posters that were used for the OWEB Conference in Eugene, Oregon. One is a registrant poster and a copy will be gifted to the UO today. A poster will be issued to the other Geology Departments in the State University System. The large poster will serve as a backdrop for outreach efforts. A small agency identification poster was also presented.
- The Board then discussed long-range outreach strategies. The Board agreed that one outreach effort should occur annually. The OWEB Conference is every other year. The LOC (League of Oregon Cities) and the AOC (Association of Oregon Counties) meet annually and rotate locations between Eugene and Portland. The budget should incorporate costs for participating in one effort each year.
- The Board retreat is confirmed in Monmouth, Oregon, at The Gentle House for Saturday, January 10, 2009. The outline for the day includes:
 1. Compliance Process: the flow chart; the Administrative Rules; the actual way it happens.
 2. The Review Process: what is the outcome needed from a technical reviewer; review how each Board Member currently reviews; finalize a document that gives instructions to the Technical Reviewer.
 3. Outcomes when a violation occurs: consistency in penalties; use of Board powers to suspend, revoke, or refuse to renew.
 4. Reporting the case after it has closed.

Yinger, McConnell, and Weick each offered the name of a facilitator for the event. *Taylor* asked these Board Members to follow-up with the name and communicate to staff the approximate cost and any other details about that person's availability to serve as a facilitator.



Chair Taylor called the quarterly Board Meeting to order at 10:25AM. *Weick* moved to accept the agenda with the addition of the following three letters to the correspondence list:

- AC 08 12 242;
- AC 08 12 247; and
- AC 08 12 248.

Seconded and passed. Heinzkill, yes; Humphrey, yes; Taylor, yes; Weick, yes; Yinger, yes.

At 10:29 AM, *Taylor* read the following statement:

“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, the Board may meet in public session to make a decision under ORS 183.482(6).”

At 10:56 AM, the Board returned to the public session. *Taylor* reported that no decisions were made during the Executive Session and any action would be taken during the compliance report.

2. Meeting Minutes: *Taylor* asked for corrections or additions to the September meeting minutes. *Humphrey* requested the following changes:

- on page 4, 5.b. 1) change define to clarify;
- continuing on same section, change 2) ‘clarify’ to ‘address’;
- page 5, 5f, change Joint Task Force on Engineering Geology to Joint Task Force on Areas of Practice;
- page 6, 7c, change Joint Task Force on Engineering Geology to Joint Task Force on Areas of Practice.

McConnell moved to accept the September 12, 2008, minutes as revised. *Seconded.*

Heinzkill, yes; Humphrey, yes; Taylor, yes; Weick, abstained (not present at the September meeting); Yinger, yes. Motion passed.

3. Administrator Report: *Taylor* requested that in the future the report and any attachments be distributed to the Board in the Board packet.

a. Knight distributed a report covering staff activities since the last Board Meeting. (See Appendix I) and

- Requested action on assisting other semi-independent Boards to fund a lobbyist for monitoring the climate of semi-independent government during the upcoming session. *Humphrey* moved to commit \$750 for a lobbyist. *Seconded and passed: Heinzkill, yes; Humphrey, yes; Taylor, yes; Weick, yes; Yinger, yes.*
- Inquired about working with the parties involved with mining in Eastern Oregon. *Taylor* offered that this is not the role of OSBGE; *McConnell* reported that all parties, federal and state, have attempted to accomplish this and she does not recommend that OSBGE become involved.

- Reported that a 6-month plan is in place with the Washington Geology Board and the psychometricians to complete the engineering geology task analysis. Volunteers are needed to complete this effort and direct contact will be made with all Oregon Engineering Geologists.
- Asked what strategy the Board will use to work the legislative bill for this session;
- Suggested that an article in the next newsletter focus on the bill.
- Directed the Board to the Plain Language Plan (PLP) and encouraged members to use Times New Romans in correspondence; asked Board Members to apply the PLP to the information currently posted on the web and come to the March meeting prepared to make any revisions if needed to meet the PLP.
- Reported that staff is considering a recommendation to move the office and distributed a cost comparison between the current location and the new one.

At 11:55 AM, faculty and a student from the University of Oregon joined the Board for lunch. Each individual introduced themselves and shared background information. Faculty present included: Kathy Cashman, Roy Weldon, Greg Retallack, Edward Davis, Josh Roering, Mark Reed, and Qusheng Jin and one student, Katie Wickham. Department Head Cashman distributed the September 2008 newsletter of the Department of Geological Sciences.

During lunch, Chair *Taylor* presented a Power Point on the purpose of the Board and its regulation of geology in Oregon and focused on the ASBOG examination history and purpose. The presentation was followed by an interactive discussion. *Taylor* pointed out that ASBOG has revised the answer sheet for the fundamental section of the examination so that it can be used by universities across the country as an exit exam due to the demise of the GRE for geology majors. *Humphrey* also stated that upon passing, candidates can register as a GIT (Geologist in Training). This designation could be helpful in the post graduation job hunt. A “registrant poster” was presented to Katie Wickham, lunch guest and geology student, for displaying where geology students hang out. The Board is hopeful that more UO geology majors will be aware of the registration requirement prior to their graduation.

At 1:25 PM, the Board returned to the regular meeting agenda.

3.b. The Administrator Report continued with a look at the YEAR-TO-DATE SPREADSHEET of revenue and expenses. The Board agreed that the payment for the lobbyist should be classified under Professional Services. Knight noted that the budgeted amount for Administration should be \$87,600, not \$72,000. Also, the Attorney General Legal Fees should reflect the additional budgeted amount so that this line item is not in a huge deficit. The current report suggests that the account is substantially overspent, but additional money was budgeted to cover the revocation appeal process. Knight also noted that the In-State travel for year 2 is over budget, primarily due to the trek to Baker City for the September Board meeting but also due to the increase in the reimbursement rate because of the cost of gasoline since July 1, 2007. Corrections will be made and the report distributed electronically.

3.c. Check log: *McConnell* moved to approve the check log reported as of 11/24/2008 with revisions to the memo line of check #2843, #2856, #2864, #2868, #2869, #9087 and requested that there be consistency in the memo line for checks so the distribution of funds is more understandable. *Seconded and passed: Heinzkill, yes; Humphrey, yes; Taylor, yes; Weick, yes; Yinger, yes.*

3.d. Three-year Comparison in monthly renewals: Knight informed the Board about the numbers on the renewal bar graph: for both 2006 and 2007, the number indicates total renewals issued, *not* total number of registrants renewed. The 2008 numbers reflect actual renewals. The database is not configured to retrieve final figures of previous years once the next year renewal is processed. If this is something the Board needs, the programmer can develop it. *Humphrey* offered that since we now have actual for 2008, as 2009 develops, actual figures can be accumulated. In this way, the history can be kept without programming costs.

3.e. Edward Jones Update on CD Purchase Agreement: No report.

4. Compliance Updates: *Chair Heinzkill* distributed a report of the status of current open cases. *Weick* shared concerns about the review process of a current case and requested that another reviewer be identified. A discussion ensued about Technical Reviewers and how to acquire these volunteers. *Taylor* suggested that this concern be addressed in the agenda of the January 10, 2009, retreat which will focus on the compliance process. *Taylor* also asked staff to print any Notices and include them in the next Board meeting packet after being issued.

5. Committee Reports

a. Administrative Rules: *Weick* reported that two rule revisions are in the pipeline: the definition of “in responsible charge” and rules clarifying how electronic signatures can be used. These will be presented to the Rules Advisory Committee (RAC) for discussion and a report made at the March Board meeting.

b. Joint Compliance: *Weick* reported that no meeting was convened since the last Board meeting. *Humphrey* inquired about sending a copy to the Engineering Board of the Notice of Civil Penalty just issued to a PE. After considerable discussion, the Board concurred that a courtesy copy be forwarded.

c. Legislative: *McConnell* informed the Board that the Legislative Concept (LC) 315 will soon become a bill and staff has directed it to the General Government Committee on the Senate side. However, bills take a life of their own and there are no guarantees about where a bill will land. *McConnell* advised that the following needs to be done if the Board is to be successful in passing the bill:

- Develop a fact sheet about the bill for distribution;
- Identify stakeholders that would come in and support this bill;
- Prepare a lead article in the January newsletter explaining the bill and seeking support for the bill.

d. Outreach: *Taylor* reported as follows:

- Oregon Science Standards: The following three documents were distributed to the Board: 1) a copy of the Board email issued to all registrants informing them of the opportunity to review Oregon drafted science standards for the next 7 years; 2) a summary document of all information submitted to the Science Standards Committee in response to the committee's request of individuals to review the draft standards (which included input from five Registered Geologists!); and 3) the October 10, 2008, letter from the Board addressed to Cheryl Kleckner, Science Education Specialist, providing input to the science standards from OSBGE. *Taylor* asked that the newsletter express the thanks of the Board.
- Watershed Biennial Conference, Eugene, Oregon, November 4, 5, and 6, 2008: *Taylor* acknowledged the time spent by both *Heinzkill & Yinger* manning the booth. In addition, the following Registered Geologists donated time at the booth: Todd Miller, RG and Dennis Nelson, RG.
- Posters: *Taylor* informed the Board that the "registrant poster" will be provided to Oregon State University, Portland State University, and Southern Oregon University. One is now displayed at Western Oregon University and one was presented to the University of Oregon during lunch.

e. Professional Practice: *Humphrey* reported the following:

- The draft document of the Joint Task Force on Areas of Practice (JTFAP) was released by the Executive Committee of the national Association of Engineering Geologists (AEG). Representatives from the Association of Engineering and Environmental Geologists (AEG); American Society of Civil Engineers, Geotechnical Unit (ASCE-GU); and the American Institute of Professional Geologists (AIPG) developed the draft. The draft document is now being circulated to the Executive Board members of each organization for input. The publication timeline is unknown.
- The Board's engineering geology application form needs more detail in order to determine an applicant's qualifications. The form will be distributed and discussed at the next meeting.

6. Correspondence: The Board concurred that the majority of the listed correspondence is FYI, but

- **AC 08 09 192:** The Board discussed the request in where the examination candidate requested consideration of exam fees. The candidate was assigned out of state work after the final date to withdraw. OAR 809-040-0030 does not provide for a refund of any fees after the deadline. After considerable discussion that recognized the Board costs are incurred each exam administration whether a candidate appears or not. Therefore the application fee is non-refundable and must be paid each time one applies to sit for the examination. *Humphrey* moved to provide an exam fee credit of the exam fee paid minus \$25. *Seconded and unanimously passed. Heinzkill, yes; Humphrey, yes; Taylor, yes; Weick, yes; Yinger, yes.*
- **AC 08 10 207:** Knight asked that the Board respond to an inquiry regarding the status of "The White Paper" currently posted on the web page. *Humphrey* offered that this is

not a “guideline” but rather an information piece. Perhaps following the retreat in January, the Board can determine how to act on this document.

- **AC 08 12 242:** *Taylor* informed the Board that the protocol has been set; both parts of the ASBOG exam must be passed for registration in Oregon; a previous examination cannot be substituted for a portion of the ASBOG examination.
- **AC 08 12 247:** *Weick* reported that he talked with the registrant about the ASBOG study materials. The Board concurred that sharing any ASBOG study materials is acceptable unless exam questions are written down. Exam questions cannot be discussed.

At 2:50 PM, *McConnell* reminded the chair of her scheduled conference call at 3:00 PM.

The chair directed the Board to

7. Old Business

a. Marion County Map Standards: *McConnell* will draft up a one-page guideline for Marion County for review by the Board at the March 2009 Work Session.

b. CPESC Follow-up: *Humphrey* reported that his evaluation of the work allowed by this certification is that of a “contractor”: installing erosion control materials. An RG or CEG can do some of this work. *Weick* informed the Board that when one acre or more is under construction, a special permit must be submitted to prepare an erosion control design for prevention of sediment movement into state waters. The engineering plans go to the building official and the contractor’s employee learns how to install the design. *Taylor* determined that this is not of concern to OSBGE.

c. Discussion of the Coastal Processes and Hazards Working Group Information:

Humphrey offered that the group has drafted in detail two Geologic Report Guidelines and communicated his concern about some of the requirements of the guidelines. *McConnell* offered that the “group” does not represent the “working folks”. *Humphrey* expressed concern about the difficulty in applying these standards to site specific lots. Since this is the Board’s first look at these guidelines, a discussion will be held during the March 2009 Work Session. Members are asked to:

- Read both guidelines;
- Think about the content;
- Determine if they can be added into the OSBGE Report Guidelines.

d. Program Proposal for October 2009 GSA Meeting, Portland: *Humphrey* reported that he received a lukewarm response to his inquiry about Geology Boards presenting a topic at the national meeting of the Geological Society of America (GSA) at it Portland meeting. The Board agreed to table this idea.

e. Report on National ASBOG Meeting: *Humphrey* reported as follows:

- ASBOG accepted the following bylaw changes:

1. A review will be considered acceptable in lieu of an audit. *Humphrey* stated that he believes an audit should be done, even if it is every 5 years.
 2. A slate of officers will be approved rather than individually voting on one officer.
 3. The selection committee will be comprised of the Past President and two other Past Presidents as selected by the current Past President.
- Expressed concern that the “pre-meeting” dinner has no minutes so no one at the main meeting knows of the issues raised during the Friday night discussion so he raised various points during the Saturday meeting so that the Friday night discussion might be reflected in the annual meeting minutes.
 - Knight inquired if her concern about the \$150 increase in annual meeting registration fees was addressed. *Humphrey* reported that no additional increase in the meeting fee is expected.
 - *Humphrey* also reported that ASBOG is considering raising the annual fees from \$2950 to \$4000 per year by 2011.
 - Talk about examination modules continued i.e. mining, engineering geology, etc.
 - Talk continued about the use of the fundamental exam as a college exit examination.

8. New Business

a. Election of Officers: OAR 809-001-0010 states that “the Board may elect a Board Chairman and Vice Chairman once a year at the first board meeting held after July 1.” A discussion was not held at the September meeting. The Board concluded that generally the Chair serves for two years, but *Taylor* was elected following the departure of Eileen Webb so thereby did not complete an entire first term. Both *Taylor and Humphrey* agreed to continue service respectfully as Chair and Vice Chair.

b. 2009 Draft Meeting Dates: The March meeting date was changed to March 5, the day before the national examination administration. The remaining dates were not changed from the draft as follows: June 12, 2009; September 18, 2009; and December 4, 2009.

9. No Public Comment.

10. Announcements:

- A Board retreat will convene on Saturday, January 10, 2009, at The Gentle House in Monmouth, Oregon. The compliance procedure and auxiliary compliance processes will comprise the retreat agenda.
- *Humphrey* reported that the next COE will convene on April 2 & 3, 2009, in Seattle Washington.
- The next national meeting will convene on November 7, 2009, in Birmingham, Alabama.
- ASBOG is looking for volunteers to serve on a Task Analysis Committee meeting in Nashville on January 16 & 17, 2009, and again in Seattle, Washington, April 4, 2009.
- *Taylor* announced that at the close of the meeting, Edward Davis, Manager of the Condon Fossil Collection, would lead a field trip through the fossil lab immediately

followed by a field trip to the Integrated Science Complex led by Department Chair
Kathy Cashman.

Hearing no other discussion, the meeting was adjourned at 3:40 PM.

Respectfully submitted,
Susanna R. Knight
Administrator

The minutes of the December 5, 2008, Board meeting were approved at the June 12, 2009,
Board meeting.

Respectfully submitted,
Susanna R. Knight
Administrator