



Oregon Geologist Examiner

October 2003

Official Publication of the Oregon State Board of Geologist Examiners

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Next Board Meeting:

December 10, 2003

University of Oregon
Cascade Hall, Room 200
Eugene, Oregon

Compliance and The Board

Every registrant of the Board of Geologist Examiners is governed by Oregon Revised Statute (ORS) 672.505 to 672.705 and ORS 672.991 and the Oregon Administrative Rules (OAR) 809. A critical piece of the geology registration is the CODE OF PROFESSIONAL CONDUCT (OAR 809, Division 20), which was mandated by ORS 672.655. Successful applicants are issued a copy of the CODE at the time of their notification of registration. In recent years, the Board has issued a copy of the CODE OF PROFESSIONAL CONDUCT on an annual basis in an ongoing effort to remind registrants of their responsibility to their profession.

ORS 672.665 states that "any person may prefer charges of fraud, deceit, negligence, gross negligence, incompetence or misconduct against any registrant." However, the language of the Administrative Rule 809-020-0006(7) is stronger. It states that "if a Registered Geologist has knowledge or reasonable cause to believe another person or geologist is in violation of the registration law, ORS Chapter 672, or the related administrative rules, the geologist **shall** present such information to the Oregon Board of Geologist Examiners, in writing."

What does this mean? It means that if you have the opportunity to review the work of other Registered Geologists *and* you recognize that the work is deficient in any way, you are to report this to the Board. It also means that if you are reviewing reports that do contain the public practice of geology that are not properly stamped by a Registered Geologists, such reports are to be submitted to the Board. This process places very high expectations and requirements on you as a Registered Geologist. Why? Because you are the ones, especially those of you in positions where you regularly review reports that contain geologic information, that are able to police this profession. This profession is only as strong as its weakest link. You should always review reports sensitized by this CODE OF PROFESSIONAL CONDUCT!

The majority of the compliance cases reviewed by the Board over the past four years have been presented to the Board by registrants. Registrants often rub elbows with practicing scientists. Registrants are the ones knowledgeable about geology and able to recognize when practicing scientists are practicing geology. Whenever the practice of geology occurs, a Registered Geologist must stamp the resultant work product.

You may believe that the public should generate complaints. There are numerous reasons why the public does not generate the majority of complaints. The general citizenry lacks knowledge of the existence of a regulatory Board for the practice of geology. Until an individual has direct contact with a practicing geologist, they are generally unaware of what geology is and unaware that the practice is regulated. So this places the regulation of the profession directly on the shoulders of you, the Registered Geologists.

The Board is charged with safeguarding the health and welfare and property of the people of Oregon. The first step in carrying out this directive is to register only those individuals who have met the minimum requirements. But once individuals bear the title of Registered Geologist, they become regulated by the CODE OF PROFESSIONAL

(continued on page2)

Knight's Notes

Volunteers are an integral part of any organization. In the July newsletter, the Board solicited your help in serving as a volunteer. A minimal number of responses were received. Please consider this a personal contact from the Board to serve as a volunteer. The need is great. The following committees need volunteers: Rules & Regulations Committee, Legislative Committee and CEG Guideline Updates Committee. The response for volunteers to serve on the committee for developing Hydrogeology Report Guidelines was very good. That committee is actively moving forward. But now it is time for others of you to step up to serve on these three remaining committees. Please email your response to osbge@osbge.org.

I was recently introduced to an author by the name of Sarah Andrews. A professional geologist from northern California, she was awarded the prestigious American Association of Petroleum Geologists' Journalists Award in 1998 for her mystery writing. She also teaches geology at Sonoma State University. A geologist is the featured character in her collection of books on the market. I just completed the book titled Bone Hunter. Em Hansen, a forensic geologist, was the main character. This story involved the black market and dinosaur bones. My nose is now deep into Andrew's book titled Mother Nature, and Em is again sleuthing her way through a mysterious murder and applying the scientific method to her analysis. This murder mystery involves environmental land use issues and the work scope for certain types of reports. Since I also ordered a third title, you will be hearing more about these geology mystery books. I have been assured that Ms. Andrews' knowledge and presentation of geology is commendable. Although one local used bookstore did not have any selections available, the store did locate many titles via the internet.

I am fast approaching my fifth anniversary of employment with the Board. During these five years, numerous reports prepared by environmental scientists have been submitted to this office for compliance review. In many of these reports, the environmental scientists were engaged in the practice of geology. In the majority of scenarios, these environmental scientists claimed that they were not aware that the practice of geology was regulated. It is important that each Registered Geologist works to enlighten the general public about the practice of geology.

Please contact the Board office with questions or comments regarding the information in this newsletter.

Susanna Knight
Administrator
OSBGE

Compliance and The Board

(continued from page 1)

CONDUCT. A registrant that reviews reports becomes the eye of regulation. Registrants may be employed by counties, cities or state agencies and charged with reviewing reports. They can be working in private companies and reviewing a work product prepared by another registrant. Whenever a Registered Geologist is reading and reviewing a geology report, that registrant should expect that the work in that report is safeguarding the health and welfare and property of the people of Oregon. In addition, if the Geology Board regulates anything in that report, then that report must bear the seal of a Registered Geologist.



DIVISION 20 CODE OF PROFESSIONAL CONDUCT

809-020-0001

Goals

- (1) A geologist shall be guided by the highest standards of ethics, honesty, integrity, fairness, personal honor, and professional conduct.
- (2) To the fullest extent possible, a geologist shall protect the public health and welfare and property in carrying out professional duties.

Stat. Auth.: ORS 672

Stats. Implemented:

His.t. GE 4-1984, f. & ef. 12-18-84

809-020-0006

Responsibility to Profession

- (1) A geologist shall undertake professional service or render expert opinion only when qualified by training or experience in the technical areas involved.
- (2) When serving as an expert or technical witness before a court, commission, or other tribunal, a geologist shall express only those opinions founded upon adequate professional knowledge of the matters at issue.
- (3) A geologist shall sign and seal only professional work, including, but not limited to, maps and report for which the geologist has direct professional knowledge, and for which the geologist intends to be responsible for its accuracy and adequacy.
- (4) A geologist shall not take credit for work conducted by others. When using the results of other geologists' work in the performance of the practice of geology, a geologist shall give due credit to the other geologists by citation or acknowledgement. Work of other geologists which is proprietary, or was not intended to be made generally available, shall not be used without the permission of the other geologist.

(continued on page 3)

CODE OF CONDUCT (continued from page 3)

(5) A geologist shall not knowingly make false statements or misrepresentations, or permit the publication or use of the geologist's name or work in association with any fraudulent activities.

(6) A geologist shall make full disclosure to all parties concerned of any conflict of interest in projects or properties on which the geologist performs work.

(7) If a geologist has knowledge or reasonable cause to believe another person or geologist is in violation of the registration law, ORS Chapter 672, or the related administrative rules, the geologist shall present such information to the Oregon Board of Geologist Examiners, in writing.

(8) If a geologist's professional judgment is overruled or not adhered to under circumstances where the geologist has reasonable cause to believe there is a clear and present threat to the public health or welfare or property, the geologist shall immediately notify the client/employer. If the client/employer does not take appropriate action within a reasonable amount of time under the circumstances, the geologist shall notify in writing the agency of local government having jurisdiction, or in the case of state/federal property the state/federal agency having land management responsibility, and the Board of the nature of the public threat.

Stat. Auth.: ORS 672
Stats. Implemented:
Hist.: GE 4-1984, f. & ef. 12-18-84

809-020-0011
Responsibility to Employer

(1) A geologist shall avoid conflict of interest with a client/employer and shall disclose the circumstances to the client/employer if a conflict is unavoidable.

(2) A geologist shall not, during the time of the geologist's retention or employment by a client/employer, use information developed for, or the resources of, said client/employer for private gain or in any other manner that may conflict with the client/employer's interest without the knowledge and consent of the client/employer, except as specified in OAR 809-020-0006(8) Responsibility to Profession. In the case of a former client/employer, a geologist shall honor agreements with that former client/employer with regard to proprietary information, except as specified by OAR 809-020-0006(8).

(3) A geologist shall either engage or advise a client/employer to engage other experts or specialists if the client/employer's interests are best served by such service.

(4) A geologist shall give due notice of withdrawal of service from a client/employer. Due notice shall be either 30 days or a time mutually agreed to by the geologist and the client/employer, whichever is less. However, a geologist may withdraw from service without due notice if:

(a) The geologist fails to receive compensation, or has reasonable cause to believe that compensation for services performed will not be received;

(b) The geologist knows, or has reasonable cause to believe, that continued employment will result in a violation of this Code, ORS Chapter 672, the related administrative rules, or will otherwise be illegal;

(c) The geologist knows, or has reasonable cause to believe, that the client/employer is involved in illegal or fraudulent practices, or practices dangerous to the public health, and welfare and property;

(d) The geologist knows, or has reasonable cause to believe, that continued employment will result in sickness or injury to the geologist or the geologist's dependents.

(5) A geologist shall not accept compensation concurrently from more than one client/employer on a project, unless the circumstances of payment are fully disclosed and agreed to by all financially interested parties.

Stat. Auth.: ORS 672
Stats. Implemented:
Hist: GE 4-1984, f. & ef. 12-18-84

809-020-0025
Responsibility to the Board

(1) A geologist, when requested by the Board, shall respond to communications from the Board within 30 days of the date of receipt of mailing by registered or certified mail.

(2) A geologist, when requested by the Board, shall present information and assistance to the Board in pursuing violations of laws and rules relating to the practice of geology in the State of Oregon. A geologist shall not dismiss from his employment, or take any other sanction against another geologist because of the other geologist's compliance with this, or any other subsection, of the Code of Professional Conduct, ORS Chapter 672, or the related administrative rules.

Stat. Auth.: ORS 672
Stats. Implemented:
Hist: GE 3(Temp), f. & ef. 12-14-77; GE 1-1978, f. & ef. 3-9-78; GE 4-1984, f. & ef. 12-18-84

809-020-0030
Misconduct

Violation of the Code of Professional Conduct is misconduct. In addition, the following specific actions are considered to be, but not limited to, misconduct for which the geologist may be disciplined:

(1) Signing or stamping work which was not prepared under the direct supervision or control of the geologist;

(2) Offering or accepting gifts (other than those of nominal value, such as entertainment or hospitality), with the intent of influencing the judgment of a client, prospective client or government official, or the geologist in connection with a project, or employment, in which the geologist is to be retained or has a financial interest;

(3) Engaging in professional conduct involving fraud, deceit, or violation of federal or state statute or rule regulating the practice of geology;

(4) Practicing geology while the geologist's ability to practice was impaired by alcohol or other drugs;

(5) Engaging in false, misleading or deceptive advertising;

(6) Making a substantial misrepresentation relating to the public practice of geology.

Stat. Auth.: ORS 672
Stats. Implemented:
Hist: GE 4-1984, f. & ef. 12-18-84

Oregon State Board of Geologist Examiners

1193 Royvonne Avenue SE, #24
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Lapsed Licenses

During the months of June, July, and August 2003, the following registrants' status became lapsed effective on the date posted below.

Childs, Stuart	G1211	6/30/2003
Enos, R. David	G1553	8/31/2003
Gerber, Steven	T1792	6/30/2003
Latiolait, Timothy	E1581	8/31/2003
Textoris, Steven	G1579	7/31/2003
Topham, Dale	G1565	6/30/2003
Underhill, Mark	G1745	6/30/2003
Wolfe, Stephen	G1654	6/30/2003
Wyatt, Robert J.	G1817	8/31/2003

To practice in Oregon, a registration must be in an active status. If you name is listed above and you have renewed, *please contact the Board office*. There may be a database entry error in which your registration was not properly updated.

2003 Calendar of Upcoming Events

Oct. 30, 31: Council of Examiners, Jacksonville, Florida

Nov. 1: National Meeting
Association of State Boards of Geology
Jacksonville, Florida

November 7: Application Cut-off for March 2004
ASBOG Exam

December 5: Oregon Geology Exam
Salem, Oregon

December 10: Quarterly Board Meeting
University of Oregon
Cascade Hall, Room 200
Eugene, Oregon

March 5, 2004: National and Board Examinations