



Oregon Geologist Examiner

Spring 2011

Official Publication of the Oregon State Board of Geologist Examiners

Board Offices

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OSBGE Staff

Christine Valentine
Administrator

Marilou Arrobang
Registration Specialist

Jane Feinberg, RG, CEG
Volunteer Design Editor
(*GRI*)

Next Board Meeting

June 3, 2011
1:00 PM

Preceded by 8:30 AM
Work Session

Salem, Oregon

Oh, Look! The Newsletter is Back!

Many of you may have been thinking, "hasn't it been awhile since I last received the OSBGE Newsletter?" Well....yes, you would be right. The OSBGE Newsletter has been on hiatus since April of last year, and the Board has experienced significant staffing changes in the past 8 months. During the transition process, some Board activities were put on the back burner, including publication of the quarterly newsletter. However, the newsletter is back in action and ready to Rock 'n' Roll! We are returning to a quarterly newsletter schedule with the publication of this edition.

Supreme Court Takes Action

Appellate Case Review – Coffey v. Board of Geologist Examiners

On March 5, 2010, *Coffey v. Board of Geologist Examiners* (CA A134319) was argued and submitted for review by the Oregon Supreme Court at the University of Oregon Law School. The Oregon Supreme Court found in favor of the Board, unanimously affirming the Court of Appeals decision and the Board's order for revocation of Mr. Coffey's certificate of registration. The final Oregon Supreme Court opinion (S057511) was filed on July 9, 2010.

Denise Fjordbeck, Attorney-in-Charge from Civil/Administrative Appeals, Oregon Dept. of Justice Appellate Division argued the case for the Board. Attorney Fjordbeck provided an overview of the case results at the Board's September 10, 2010, quarterly meeting. She discussed the implications of the case for the Board and for the greater administrative rules process in the State of Oregon. A summary of findings follows:

Nicholas W. Coffey (petitioner), a formerly registered geologist, sought review of a Court of Appeals decision, 226 Or App 418, 204 P3d 177 (2009). The Court of Appeals affirmed an order of the Board that revoked Mr. Coffey's certificate of registration on grounds of negligence, gross negligence, and two violations of the board's rules of professional conduct. On review, the petitioner argued that the Oregon Supreme Court should reverse the order on the grounds that (1) the Board lacked the authority to revoke the registration, (2) the Board's administrative rules defining "negligence" and "gross negligence" were insufficient, and (3) some of the conclusions in the Board's order were not supported by substantial reason.

On review, the petitioner relied on *Megdal v. Board of Dental Examiners*, 288 Or 293, 605 P2d 273 (1980) to argue that the Board must adopt administrative rules explicitly stating the standard for selecting a particular sanction from the range of possible outcomes listed in ORS 672.675, before it may impose any of those sanctions. The Supreme Court upheld the Court of Appeals decision, disagreeing that *Megdal* requires the explicit rulemaking that the petitioner argued.

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Longtime Board Administrator Susanna Knight Retires

The Board announces the retirement of OSBGE Administrator Susanna Knight effective December 2010. Happy Retirement Susanna – we will miss you! And we greatly appreciate all your hard work throughout the years. The Board extends a special thanks and best wishes to Susanna and her husband John as they refocus their energies on this new chapter of their lives.

Susanna first came to OSBGE in February 1994 for a six-month period. She then left to return to her teaching career, but later came back to OSBGE in January 1995. She remained with the Board staff until December 1997 when she moved to an Administrative Assistant position with the State Board of Massage Technicians. She apparently couldn't stay away from Geologists, because in 1999 she again returned to OSBGE as Board Administrator and stayed until her retirement this past year. Her attention to detail made day-to-day operations of the Board run smoothly and efficiently. The Board and its registrants have benefited greatly from her considerable organizational skills, energy, and tireless guidance.

During her tenure from 1999 to 2010, Susanna helped train and mentor a total of 17 Board members, all of whom owe a great deal of gratitude to her. Just facilitating public interactions with 17 Board members and their unique (and commonly forceful) personalities over the years was more than anyone could ask for in an employee. In spite of working with a bunch of strong-willed, iconoclastic geologists, Susanna was able to administer the Board with a combination of grace and professionalism of which we can all be proud. She casts a large shadow as we move into the future; however, the office practices that she put in place will allow for Board operations to continue efficiently under the watchful eye of the current staff. Susanna contributed greatly to the professional practice of geology in the State of Oregon during her tenure as administrator and “den mother in-chief.” We will miss her dearly.

Board Exam Results Released

In October 2010, thirteen (13) candidates sat for the fundamental section of the ASBOG examination with a 69% pass rate; eleven (11) candidates sat for the practice section with an 81% pass rate. Congratulations to all those candidates receiving a passing score.

No candidates sat for the Engineering Geology examination.

Special Thanks to OSBGE's Registration Specialist

The Board would like to give a special thanks and commendation to Marilou Arrobang, OSBGE's Registration Specialist. During the recent staffing transition, Marilou demonstrated exemplary skills and dedication in keeping OSBGE's office afloat. She was vigilant in seamlessly ensuring that our registrants and the public were well served. Marilou has truly been our bridge during this transition period, and the Board is highly thankful. The Board Chair is especially appreciative for her diligent efforts above and beyond the call of duty. In the time-honored tradition of geo-puns, Marilou, *you rock and make our world go 'round!*

Supreme Court

(continued from page 1)

In sum, the Board has the existing authority to define the standard of care in the community and to determine the appropriate disciplinary actions as afforded by law in ORS 672.675:

“The State Board of Geologist Examiners has the power to *suspend, revoke or refuse to renew the certificate of registration of any registrant or reprimand any registrant who is found to have been involved in:*

- (1) The practice of any fraud or deceit in obtaining a certificate of registration,
- (2) Any negligence, gross negligence, incompetence or misconduct in the practice of geology as a registered geologist;
- (3) Any felony; or
- (4) The commission of any unlawful act set forth in ORS 672.505 to 672.705.”

Attorney Fjordbeck further commented that the standard of care for professional geologists is applied in the “community of practice”, as defined by the Board. She also recommended that the Board further evaluate the term “community” in rule to determine the most applicable scaling with respect to registered geologists practicing at the local, state and/or national levels. The Board has taken this advice under consideration and will take appropriate action in future rulemaking sessions.

Welcome to the Board's New Administrator

In terms of new arrivals, the Board welcomes Ms. Christine Valentine to the fold as new Board Administrator. Christine started her first day on March 23, 2011, diving right in with both feet planted firmly in the regolith and ready to tackle administrative duties. She brings to the Board a depth of knowledge and experience from more than 17 years working in state government. Christine has worked for state government in Alaska and Oregon, spending the last 15 years in Oregon, serving various roles with the Oregon Department of Land Conservation and Development, the Oregon Business Development Department, and most recently as part of Governor Ted Kulongoski's Economic Revitalization Team. She has worked in the fields of coastal and natural resources management, natural hazards management, community development, and economic development. Her government experience rests upon a foundation of science education, with a B.S. in Marine Science from Long Island University and M.S. in Natural Resources Management from Oregon State University.

Christine is dedicated to public service and offers a strong commitment to quality customer service and ensuring efficient use of government resources. Her desire for serving as Board Administrator relates to her significant experience in working with the regulated public, local governments, businesses, and others to help them accomplish their goals in a manner that acknowledges legitimate public interests. She looks forward to her work with the Board, its registrants, and other interested stakeholders.

You can contact Ms. Valentine at 503-566-2837 or christine.valentine@state.or.us. She is located in the Salem office, joining Marilou Arrobang, Registration Specialist. When not in the office, Christine spends time with her family in Dallas, Oregon, or with them on adventures exploring the great outdoors of the Pacific Northwest. Her hobbies include: gardening, hiking, antiquing, photography, and piano (and having studied some geology once upon a time, definitely a future rock enthusiast!).

Proposed Rule Updates

The OSBGE, with the help of its standing Rules Advisory Committee, worked on development of updates during 2010 and has now entered into formal rulemaking. Rulemaking notice was distributed in April and published in the May edition of the Secretary of State's Oregon Bulletin. The Board is soliciting comments from registrants and other stakeholders about these proposed rules.

For the full text of the proposed rules changes, visit the OSBGE website at: <http://www.oregon.gov/OSBGE/index.shtml>, the following is an overview of pending changes:

- New proposed rule OAR 809-050-0005: Signature specifies procedures for signature of documents prepared by a Registered Geologist or Certified Engineering Geologist. The rule also provides for electronic or digital signatures and sets specifications for the authorized use of such signatures on documents prepared by an RG or CEG.
- Amended proposed rule OAR 809-030-0025: Qualifications for Geologist Fundamentals Examination and Certification as a Geologist-in-Training updates and clarifies the geology coursework requirements that must be addressed by an applicant before qualifying for the ASBOG Fundamental Geology examination. The rule also clarifies the need for required documents and official transcripts necessary for the initial evaluation process.
- Amended proposed rule OAR 809-010-0001: Fees updates the required fee for the ASBOG Practice Geology examination. This fee change reflects increases made by the national association, effective March 2011. This proposed rule change also includes reinstatement of two fees that were removed inadvertently during past rulemaking. The two fees are designed to cover administrative costs associated with maintenance of examination files for passing applicants not registered in Oregon and for providing a list of registrants more detailed than the version typically available via the Board's website.

Written comments can be submitted to the Board's administrative office through the close of business on May 19, 2011. Please direct comments to the attention of Christine Valentine, Board Administrator and submit in hard copy to 707 13th Street SE, Suite 260, Salem, OR 97301, by fax to 503-485-2947, or e-mail to osbge.info@state.or.us.

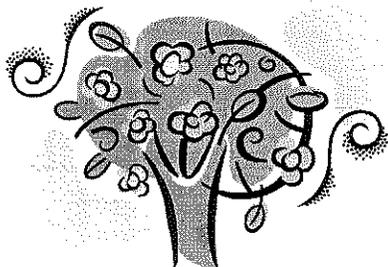
Christine's Corner – Notes from the Administrator

As the new Board Administrator, I am thankful to the Board for allowing me the opportunity to serve and to my predecessor, Susanna Knight, for all of her hard work and the systems she put in place at the office. Susanna's past work clearly contributes to the speed of my transition into this role. But transitions are also a perfect time to consider whether office policies and practices are in need of updates and to work with the Board to evaluate larger goals and objectives. I will be doing both in the months ahead.

As part of my due diligence process as the new administrator, I will be assessing various aspects of office practices over the coming months. Much of the process I describe will be internally focused on day-to-day operations, and any changes implemented will likely not have direct impacts on registrants. One exception to this could come in the form of updating procedures for how the office communicates with Board customers, by which I mean current and future registrants, as well as the general public. I plan to investigate improved communication pathways through use of the OSBGE website, form and distribution of the OSBGE newsletter, rulemaking procedures, outreach opportunities, and mailing list updates. Public records management is also likely to be an area of my focus. This is a reflection of increased interest by the public, Oregon Legislature, and Attorney General in government transparency and accountability, combined with the Board's interest in serving the stakeholders. I also plan on working with Board members to understand their key objectives, define desired outcomes, and map pathways to achieve results. These conversations will occur in the context of formal Board meetings, which are open to the public, all are encouraged to participate. The Board has the authority to set the course for the profession, and I have the obligation to help them navigate forward.

In closing, I welcome registrants and other interested parties to contact me at any time to discuss thoughts about how we can best meet the needs of all of you - the Board's primary customers. Call me at 503-566-2837 or drop me an e-mail at:

christine.valentine@state.or.us.



Wanted: New Board Members

In November 2011, the appointment terms of two of OSBGE's members will end for Board Chair, Dr. Stephen Taylor, R.G., and Vice Chair Mr. Christopher Humphrey, R.G., C.E.G. Expiration of their terms will open up two Board member positions for new appointments by the Governor. Interested registrants from the professional community are encouraged to apply! Board appointments are for an initial 3-year term, with an opportunity to be reappointed for an additional 3-years.

By statute, the Board consists of four Registered Geologists and one public member, with the Director of the Oregon Department of Geology and Mineral Industries (DOGAMI) serving as an ex-officio (non-voting) member. Candidates for the positions currently held by Dr. Taylor and Mr. Humphrey must be registered in the State of Oregon with a keen interest in serving their profession. The Board desires to replace Dr. Taylor with another Registered Geologist from one of Oregon's colleges or universities to maintain critical linkages between education, experience and practice. Additionally, the Board would like to find another Certified Engineering Geologist to replace Mr. Humphrey to ensure continued benefits from the perspective of the engineering geology field.

Geographic diversity is also a consideration in appointing new members and the Governor's Office encourages registrants from across the state to apply. These appointments are processed and managed by the Governor's office. More information about serving on a board and application materials are available at:

[http://governor.oregon.gov/Gov/boards.shtml#](http://governor.oregon.gov/Gov/boards.shtml#Executive_Appointments)

Executive Appointments. Interested candidates should complete an interest form and then forward the form directly to the Governor's Executive Appointments Office. If you have any questions about Board service or the executive appointments process, feel free to contact the Board Administrator at 503-566-2837 (christine.valentine@state.or.us) or Board Chair Taylor at 503-838-8398 (taylor@wou.edu).

OSBGE Budget Hearing

The OSBGE voted to approve its budget for the 2011-2013 biennium at its March 29, 2011 meeting and is required to adopt it in rule before July 1, 2011. The Board is holding a hearing on the proposed budget rule Thursday May 19, 2011, 9-10 AM, Conf. Room B, Association Center, 707 13th St. SE, Suite 260, Salem, OR 97301. Verbal or written comments may be provided at the hearing or in hard copy via post, e-mail, or fax as specified in the "Proposed Rules Update" section above.

Welcome New Registrants

The Board welcomes the following new registrants and wishes them a safe and successful practice in Oregon.

GIT by Passing Exam:

Berger, Jeff	T2287	06/29/2010
Bolduc, Charles	T2284	05/19/2010
Braunsten, Scott	T2303	01/14/2011
Cole, Ryan	T2300	12/30/2010
Duplantis, Serin	T2296	12/09/2010
Humphrey, Steven	T2276	04/20/2010
Keatts, Thomas	T2283	05/13/2010
Leger, Angus	T2291	08/25/2010
McKay, Neil	T2286	06/09/2010
Oremland, Zachary	T2297	12/10/2010
Rhea, Christopher	T2293	10/21/2010
Sorensen, Kekoa	T2307	03/10/2011

RG by Passing Exam:

Biggane, John	G2280	05/07/2010
Eversaul, Martin	G2182	12/30/2010
Franklin, Ryan	G2281	05/07/2010
Gustafson, Joseph	G2249	12/10/2010
Hughes, Peter	G2185	12/10/2010
Janssen, Kenneth, Jr.	G2282	05/07/2010
Keller, Jason	G2301	01/04/2011
Kochiss, Christopher	G2263	12/10/2010
Lynch, Erin	G2285	05/26/2010
Sadofsky, Seth	G2192	06/01/2010
Sheridan, Christopher	G2299	12/15/2010
Strickler, Jesse	G2094	01/04/2011
Thompson, Scott	G2302	01/11/2011

CEG by Passing OR CEG Exam:

Beach, Shane	E2022	06/29/2010
Dixon, Sean	E2159	02/25/2011
Holmes, Adrian	E2210	06/18/2010
Nashem, William	E1916	06/30/2010
Woodcock, Jason	E2218	06/03/2010

RG by Cooperative Registration:

Bartlett, Robert	G2305	03/03/2011
Brown, Damon	G2289	08/09/2011
Diamond, Peter	G2294	12/07/2010
Graham, Brian	G2306	03/10/2011
Hagemann, Matthew	G2277	04/22/2010
Hogan, James	G2292	10/12/2010
Morton, Aric	G2290	01/10/2011
Nelson, Mark	G2274	04/19/2010
Nichols, Ronald F.	G2273	04/09/2010
Provant, Andrew	G2279	05/06/2010
Shair, Peter	G2149	01/07/2011
Sims, Danny	G2278	04/26/2010
Woodburne, Keith	G2304	01/24/2011
Young, Derek	G2295	12/09/2010

Lapsed Registrations

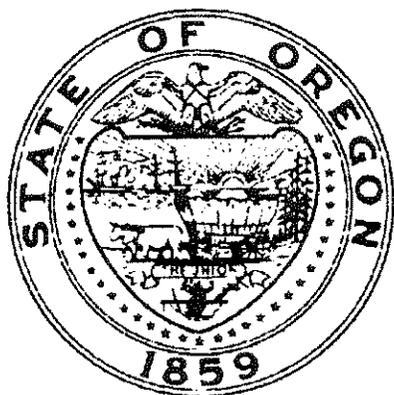
The OBGE newsletter routinely includes a list of registrations that have expired within the last reporting quarter. In this case, the list covers a longer timeframe due to the hiatus of the newsletter.

License #	Expiration	Name
G0414	10/31/2010	Richard Ahern
G0403	10/31/2010	Robert Arko
G0128	10/31/2010	John Armentrout
G1254	11/30/2010	David Bolin
T2241	01/31/2011	Bonnie Broman
G1242	07/31/2010	David Brown
G1602	01/31/2011	James Browne
E0706	10/31/2010	Bruce Brunette
G1317	05/31/2010	Kerry Cook
E1511	01/31/2011	Joseph Cota
G0724	10/31/2010	Roger Dickinson
T1717	05/31/2010	Debra Doyle
T2043	11/30/2010	Jennifer Engels
G1553	01/31/2011	R Enos
G0578	10/31/2010	Lloyd Frizzell
E1851	11/30/2010	William Godwin
G0643	10/31/2010	Joseph Gonthier
G1142	07/31/2010	James Graham
G2204	03/31/2010	Natasya S.S. Gray
G2116	04/30/2010	Marc Hachey
G0999	08/31/2010	Ellen Hodos
G1522	04/30/2010	Paul Horton
G1218	06/30/2010	Joseph Hunt
G1785	04/30/2010	Roy Jensen
T2262	12/31/2010	Christina Johnson
G0734	10/31/2010	Stephen Johnson
E1640	05/31/2010	James Lancaster Jr
E0440	10/31/2010	Dennis Larson
E1581	08/31/2010	Timothy Latiolait
T2256	07/31/2010	Nicholas Legg
G1329	05/31/2010	John Martin
G2170	10/31/2010	Derek Mcgregor
G2242	02/28/2011	Gary Moore
E0321	10/31/2010	Philip Murphy
G1081	11/30/2010	Nancy Nething
G2207	03/31/2010	Jordan Nielsen
G1031	02/28/2011	Roger Noble
G1596	11/30/2010	Erin O'Connell
E0126	10/31/2010	Kerry Parkinson
G2225	08/31/2010	Simon Payne
G0235	10/31/2010	Verne Pendleton
E0877	12/31/2010	Barbara Portwood
E1532	04/30/2010	Edward Riddell
T2049	11/30/2010	Tiffany Robinson
G1799	05/31/2010	Catherine Roso
E0396	10/31/2010	Martin Ross
E1860	01/31/2011	James Schick
T1877	05/31/2010	Alison Schutt

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**Oregon State Board of
Geologist Examiners**

707 13th Street SE, Suite 260
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Lapsed Registrations

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License #	Expiration	Name
G1623	01/31/2011	Barbara Sellars
E0234	10/31/2010	Mark Shaffer
G0592	10/31/2010	James Skehan
G1283	12/31/2010	Howard Small
E0532	10/31/2010	Craig Sparks
G0791	10/31/2010	Richard Thoms
G1745	06/30/2010	Mark Underhill
G1416	05/31/2010	Catherine Van Ausdall
E0679	10/31/2010	Alfred Venton
G1381	12/31/2010	Kristy Vyverberg
G1703	12/31/2010	Scott Waichler
E0500	10/31/2010	James Wazlaw
E0832	08/31/2010	Paul Weidig
G1165	02/28/2011	Daniel Weller
G1048	05/31/2010	Richard Wooten
G2227	10/31/2010	Wayne Worthington

2011 Calendar of Upcoming Events

- May 19: Public Hearing on OSBGE Budget for 2011-2013 and deadline for comments on OSBGE rules
- June 3: Deadline to Apply for Fall ASBOG Exam
OSBGE Quarterly Board Meeting
Salem, Oregon
- Aug. 8: Last Day to Withdraw from Fall ASBOG Exam
- Sept. 9: OSBGE Quarterly Board Meeting
Salem, Oregon
- Sept. 30: Fall ASBOG Exam
Salem, Oregon
- Nov. 2- 5: ASBOG Workshop and Annual Meeting
San Antonio, Texas
- Dec. 2: OSBGE Quarterly Board Meeting
Salem, Oregon