



Oregon

STATE BOARD OF EXAMINERS
FOR ENGINEERING &
LAND SURVEYING

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SPECIAL BOARD MEETING
Minutes of Meeting
August 14, 2015

CALL TO ORDER

President Kent called the meeting to order at 12:36 p.m. in the Conference Room of the Board office at 670 Hawthorne Avenue, SE Suite 220, Salem, Oregon 97301.

ROLL CALL

Members present:

Jason Kent
Chris Aldridge
Bill Boyd
Shelly Duquette
Ken Hoffine
Ron Singh (excused)
Dave Van Dyke (not excused)
Amin Wahab
Oscar Zuniga

Others Present:

Mari Lopez, Administrator
Jenn Gilbert, Executive Assistant
Katharine Lozano, Assistant Attorney General
Matt Cash, PE
Darrell Fuller, PLSO Lobbyist
Bob Neathamer, PLS

PUBLIC INPUT

There was no public input.

President Kent revised the agenda to begin the meeting with the agenda item #2, ACCA's Motion #1 – NCEES Action item.

NEW BUSINESS

ACCA's Motion #1

Ms. Duquette summarized the Advisory Committee on Council Activities' (ACCA) motion on structural engineering as the topic will be considered during the annual meeting in Williamsburg, Virginia later in the month. The motion will be to implement a structural title and a structural

restricted practice approach into Model Law. Currently, 11 states have a higher level of regulation for structural engineers but the current provisions in these states vary significantly. Ms. Duquette believes that Oregon's provisions are sufficient, but voiced concern nationally. Failures of certain structures such as "significant" or "essential" can result in significant loss of life. She then asked if NCEES changes the Model Law, will Oregon have to comply. Ms. Lopez responded, no. AAG Lozano added that any changes to Model Law by NCEES do not impact the Board unless the Board chooses to follow suit.

President Kent also noted that the Board office received communications of support from Structural Engineering Institute (SEI), National Council of Structural Engineers Associations (NCSEA), Council of American Structural Engineers (CASE), and the Structural Engineering Certification Board (SECB). Also, opposition was received from the National Society of Professional Engineers (NSPE). The Professional Engineers of Oregon (PEO) has not taken a position at this time.

After discussion, it was moved and seconded (Aldridge/Boyd) to direct the Oregon delegates to use their best discretion in voting at the NCEES Annual Meeting on the ACCA Motion #1. There was no additional discussion. The motion passed unanimously.

Proposed temporary rules

AAG Lozano led the Board's discussion with a history and synopsis of the rules presented. She also explained that the rules would be filed as temporary rules, effective immediately upon filing. However, temporary rules expire in 180 days. During this time, the Board will move forward with its permanent rules through the Rulemaking Process, including a Rulemaking Hearing. This will allow the Board to continue operations with the effects of SB 297.

Ms. Gilbert explained the proposals to division 1 – Procedural Rules. AAG Lozano added that the proposals are not new or substantive changes, but renumbered and moved to be contained with the other procedures. Additionally, division 5 is a new division. Ms. Gilbert added that they were previously contained in division 10 – Licensing.

AAG Lozano began explaining the changes to division 10 noting that any cross reference to a rule was removed and replaced with actual language. In addition, the division has been restructured by profession. For example, to become registered as a professional engineer, the rules begin with OAR 820-010-1000; to become registered as a professional land surveyor, the rules begin with OAR 820-010-2000; to become registered as a professional photogrammetrist, the rules begin with OAR 820-010-3000; to become registered as a professional structural engineer, the rules begin with OAR 820-010-4000; and to sit for and become certified as a water right examiner, the rules begin with OAR 820-010-5000. AAG Lozano went into further detail with regard to the proposed language. She noted that previously, multiple rules explained what to submit with an application and the deadline to submit an application. Further, multiple rules contained information on the type of references and the number of references that are required.

In subsection 5 of the proposed OAR 820-010-1000 contains the exemption to the fundamentals of engineering examination as authorized by SB 297. The language in subsection 5 is similar to the language in SB 297.

It was also noted that the Building Systems was added as a discipline. The applicant would need to pass the Architectural NCEES Engineering examination. Mr. Boyd observed that the “building systems” is used due to the “architect” title restriction. AAG Lozano pointed out that the Washington Board uses the same term with similar reasoning.

The proposal includes moving the rule that requires registrants to notify the Board of any address change, email change, or name change from division 10 – Licensing to division 20 – Rules of Professional Conduct. The proposal also includes moving the rules related to fee to division 80. The rule for refunds and charges was revised slightly to refer to applications and rescore fees; reference to “comity” applications was removed. With regard to the rule for fees, the language was simplified to include the total fee to submit for applications or biennial renewal fees. Previously, the applicant would need to add the cost of the application fee, one year of the renewal fee, and certificate fee if applying for registration. Similarly, the biennial renewal fee was for one year, but the Board renews registration in two year periods. The Board’s budget does not contain any revisions; just renumbering.

It was moved and seconded (Kent/Boyd) to approve the temporary rules and to advance the rules to the Rulemaking Process. Ms. Duquette noted that the Rulemaking Process will include additional notification to interested parties along with a timeline outlining the process. The friendly amendment was accepted. The motion passed unanimously.

Unlicensed Practice

The Board entered into executive session pursuant to ORS 192.660 (2)(f) to review AAG Lozano’s legal advice regarding unlicensed practice. All members of the audience were asked to leave the room and were invited to return upon resumption of the public meeting. Upon returning to public meeting, it was noted that no decisions were made and no votes were taken while in executive session.

The meeting adjourned at 1:45 p.m.