



Oregon

State Board of Examiners for
Engineering & Land Surveying
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Minutes of Meeting
July 8, 2014

CALL TO ORDER

President Newstetter called the meeting to order at 9:07 a.m. in the conference room of the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) office at 670 Hawthorne Avenue, SE Suite 220, Salem, Oregon 97301. **Please note:** The Consent Agendas referenced throughout these minutes are provided as attachments to this document.

ROLL CALL

Members present:

Sue Newstetter
William Boyd
Steven Burger
Shelly Duquette
Anne Hillyer
Ken Hoffine
Carl Tappert

Members excused:

James Doane
Jason Kent
Ron Singh

Others Present:

Mari Lopez, Administrator
Jenn Gilbert, Executive Assistant
Katharine Lozano, Assistant Attorney General

PUBLIC INPUT

There was no public input.

BOARD CONSENT AGENDA

Ms. Newstetter requested to pull Items 2 and 6 from the Consent Agenda for additional discussion. Ms. Hillyer also requested to pull Item 5 from the Consent Agenda. It was moved and seconded (Duquette/Tappert) to approve Items 1, 3, 4, and 7-10 on the Consent Agenda (Attachment A). The motion passed unanimously.

There was additional discussion on the following meeting minutes:

Item 2: May 13, 2014 Board Meeting Minutes

Ms. Newstetter brought a typo to the attention of Staff. It was moved and seconded (Hoffine/Duquette) to approve the minutes, as amended. There was no further discussion. The motion passed unanimously.

ADMINISTRATOR'S REPORT

Additional discussion was held on the following matters:

Administrative Activities

NCEES 93rd Annual Meeting

Ms. Lopez reported that she will represent OSBEELS, along with Board members Bill Boyd, Anne Hillyer, Jason Kent and Staff members Matthew Bryan and Monika Peterson in Seattle, Washington on August 20-23, for the 93rd NCEES Annual meeting. Discussions will be held regarding important Council business and Member boards will vote on issues affecting the engineering and surveying professions.

OSBEELS Legislation

Ms. Lopez reported that the Legislative Concept for the 2015 Legislative Session submitted in May has been assigned an LC number; 707. Ms. Lopez reported that a draft has not been received for review and input as of the day of the Board meeting.

Staffing

Ms. Lopez reported that Registration Specialist Jen O'Neill is out on leave. She also informed the Board that the announcement for the Social and Communications Media Specialist position was completed and posted on July 7th.

Administrator Review – Ms. Lopez informed that Board that her annual performance evaluation is overdue. The review should have been conducted in June, with the complete evaluation provided during today's meeting. President Newstetter requested Mr. Burger and Mr. Tappert to conduct the review in August, with the complete evaluation presented during the September Board meeting. They accepted the assignment.

Action Items

November 2012 – Draft an RFP for research and consulting services to better understand the public's perception of OSBEELS

Ms. Lopez reported that this RFP is on hold until the Social and Communications Media Specialist position is filled. There was no further discussion.

March 2013 – Complete CA Geotechnical examination contract

Ms. Lopez reported that this contract is still being developed and is currently with the CA Board. There was no further discussion.

November 2013 Action Item - Review and edit Ms. Lopez's position description

President Tappert and AAG Lozano volunteered to organize the task.

PRESIDENT'S REPORT

President Newstetter presented a list of 11 goals she would like the agency to meet during her tenure as President. She also distributed the revised Committee Assignments. These changes will be in effect with the August meeting schedule. President Newstetter informed the members that Mr. Doane was not included in the revised Committee Assignments due to a recent email received asserting that if he isn't reappointed to the Board within the month, he plans to return his Board assigned iPad.

EXAMINATIONS AND QUALIFICATIONS COMMITTEE

Mr. Burger reported that that EQC met on June 13, 2014 and discussed the matters contained in the Committee minutes. It was moved and seconded (Burger/Tappert) to approve the Consent Agenda (Attachment B). The motion passed unanimously.

Comity List

It was moved and seconded (Duquette/Hoffine) to approve the list of applicants for registration by comity containing 61 individuals. There was no additional discussion. The motion passed unanimously.

1st Registration List

It was moved and seconded (Duquette/Hillyer) to approve the list of applicants for registration by 1st registration containing 14 individuals. There was no additional discussion. The motion passed unanimously.

Default Final Order

Donald W. George submitted an official verification from the state of Idaho demonstrating passage of the National Council of Examiners for Engineering and Surveying (NCEES) Structural I and Structural II examinations in 2009. In 2009, *former* Oregon Administrative Rule (OAR) 820-010-0417 (f. & cert. ef. 9-20-07) required passage of the NCEES Structural I and the Washington Structural III examinations. Mr. George did not demonstrate that he meets the requirements of *former* OAR 820-010-0417 (f. & cert. ef. 9-20-07) and therefore, does not meet the requirements for registration by comity as a professional engineer especially qualified in structural engineering. A Notice of Intent to Deny Application was issued to Mr. George in March. Mr. George did not request a hearing. The Default Final Order completes the contested case process. It was moved and seconded (Duquette/Burger) to approve the Default Final Order for the above individual. There was no further discussion. The motion passed unanimously.

OREGON SPECIFIC EXAMINATIONS TASK FORCE

President Newstetter reported that the OSETF met on June 13, 2014 and discussed the matters contained in the Committee minutes. It was moved and seconded (Tappert/Hoffine) to approve the Consent Agenda (Attachment C). The motion passed unanimously.

There was additional discussion on the following meeting minutes:

Item 5: June 13, 2014 OSTEFC Committee Meeting Minutes

Ms. Hillyer requested an asterisk after her name to reference that she participated on the Committee due to Mr. Doane's excused absence. It was moved and seconded (Hoffine/Duquette) to approve the minutes, as amended. There was no further discussion. The motion passed unanimously.

There was additional discussion regarding the following matter:

Forest Engineering Examination Team

It was noted that a member of the team, John Sessions was registered in the state of Washington, but not in Oregon. The Board members concluded that Mr. Session's lack of Oregon registration should not be a barrier to his serving on the team because they determined that contributing to the development of an examination is not the practice of engineering. Reviewing the definition of the practice of engineering in ORS 672.005 and the qualifications contained in the Oregon Specific Exam Development Policy Section 3. b., AAG Lozano volunteered to draft language for the Rules and Regulations Committee to consider clarifying that exam development is not the practice of engineering, land surveying, or photogrammetric mapping, retroactive to initial exam development. Further, staff will request that Mr. Session use the title as "liaison" which is consistent with the Policy. It was moved and seconded (Hoffine/Duquette) to approve the April 2015 forest engineering examination development team roster. There was no further discussion. The motion passed unanimously.

EXTERNAL RELATIONS COMMITTEE

Ms. Hiller reported that the ERC met on June 13, 2014 and discussed the matters contained in the Committee minutes. It was moved and seconded (Hillyer/Burger) to approve the Consent Agenda (Attachment D). There was no additional discussion. The motion passed unanimously.

There was additional discussion on the following meeting minutes:

Item 6: June 13, 2014 ERC Committee Meeting Minutes

President Newstetter reminded Staff to remove the chart reference from the article about the fundamental examination application rates. It was moved and seconded (Duquette/Boyd) to approve the minutes. There was no additional discussion. The motion passed unanimously.

FINANCE COMMITTEE

Mr. Hoffine reported that the FC met on June 13, 2014 and discussed the matters contained in the Committee minutes. There was no additional discussion.

LAW ENFORCEMENT COMMITTEE

Mr. Tappert reported that the LEC met on June 12, 2014, to discuss the matters as contained in the Committee minutes. Mr. Tappert requested to pull case 2845 Timothy Wolden from the Consent Agenda for additional discussion. It was moved and seconded (Tappert/Burger) to approve the Consent Agenda (Attachment E). The motion passed unanimously.

There was additional discussion regarding the following matters:

2845 Timothy Wolden

Before discussing the proposed settlement agreement, the members asked if Mr. Wolden had complied with the initial terms. Mr. Wolden was to provide to the Board by July 7, 2014, a list of his current engineering projects. Mr. Wilkinson informed the Board that he had not received any communication regarding the matter. After contacting his attorney, it was discovered that the list of projects had been emailed to the wrong person. Upon receipt of the email and list of current projects, the Board discussed and reviewed the information provided. It was moved and seconded (Tappert/Duquette) to approve the Settlement Agreement. There was no additional

discussion. The motion passed (Boyd opposed).

Abraham Taylor

Although the LEC recommended not opening a case on Mr. Taylor since a previous case against him was similar, the discussion held by the full Board was contrary. As a result, it was moved and seconded (Hoffine/Boyd) to return the information back to the LEC for further investigation irrespective of the previous case. The motion passed unanimously.

PROFESSIONAL PRACTICES COMMITTEE

Ms. Newstetter reported that the PPC met on June 13, 2014 and discussed the matters contained in the Committee minutes.

There was additional discussion regarding the following matter:

Reference Manual for Building Officials

The Board reviewed the PPC's latest revisions to the manual. Ms. Lopez noted that the main revision was to the OSBEELS complaint process. It was moved and seconded (Hillyer/Tappert) to approve the draft *Reference Manual for Building Officials* for submission to OBAE. There was no additional discussion. The motion passed unanimously.

RULES AND REGULATIONS COMMITTEE

Mr. Hoffine reported that the RRC met on June 13, 2014 and discussed the matters contained in the Committee minutes. It was moved and seconded (Tappert/Duquette) to approve the Consent Agenda (Attachment F). There was no additional discussion. The motion passed unanimously.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

County Surveyors Advice

The Board entered into executive session pursuant to ORS 192.660(2)(f) to review records not subject to public disclosure. All members of the audience were asked to leave the room for these deliberations 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.

It was moved and seconded (Tappert/Boyd) to waive privilege on the AAG Opinion, OSBEELS Authority over County Surveyors dated June 9, 2014 including the AAG Opinion, Board Authority to Discipline County Surveyors dated October 9, 1996, and to address the details of the opinion in a letter to the Oregon Association of County Engineers and Surveyors (OACES) and in a future article in *The Oregon Examiner*. There was no further discussion. The motion passed unanimously.

Land Surveying: Wooden Stakes, Ethical Practices, Property Corner Locations

The Board entered into executive session pursuant to ORS 192.660(2)(f) to review records not subject to public disclosure. All members of the audience were asked to leave the room for these deliberations 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.

Discussion was held regarding a possible definition of a permanent monument. Consideration was given to possible rule language to further define monument by including the intent of placing an item into the ground and the length of time the item is left in the ground. After a brief discussion, it was moved and seconded (Boyd/Duquette) to draft language for a rule which will require filing a map or removing the item set in the ground within 180 days if it is intended to indicate a property line or corner. There was no further discussion. The motion passed unanimously.

LEGAL BRIEFING

North Carolina Dental Board Amicus Brief

AAG Lozano informed the Board that Oregon joined the States of Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Hawaii, Idaho, Indiana, Kansas, Kentucky, Maryland, Michigan, North Carolina, Ohio, South Carolina, Tennessee, Utah, Virginia, and West Virginia in filing an amicus brief due to the Fourth Circuit's decision in *North Carolina State Board of Dental Examiners v. Federal Trade Commission*, 717 F.3d 359 (4th Cir. 2013). The National Council of Examiners for Engineering and Surveying (NCEES) also filed an amicus brief. AAG Lozano provided the Board with copies of these briefs. There was no further discussion.

Restrictions on Political Campaigning for Public Employees

AAG Lozano provided a quick reference guide of ORS 260.432. She noted that this applies to all board members for the purpose of this statute. The guide includes a list of prohibited activities and allowable activities relating to election petitions, candidates, political committee or ballot measures. There was brief discussion on some specific examples posed by Board members.

BOARD MEMBER COMMENTS

There were no Board member comments.

ADJOURN

The meeting was adjourned at 12:58 p.m.

November 2012 ACTION ITEMS:

- Draft an RFP for research and consulting services to better understand the public's perception of OSBEELS.

March 2013 ACTION ITEMS:

- Complete CA Geotechnical examination contract.

November 2013 ACTION ITEMS

- President Tappert and AAG Lozano will be coordinating to evaluate and edit Ms. Lopez's position description.

July 2014 ACTION ITEMS

- Draft letter to OACES addressing the details of the June 2014 opinion (OSBEELS Authority of County Surveyors) and the October 1996 opinion (Board Authority to Discipline County Surveyors).
- Mr. Burger and Mr. Tappert to conduct the Administrator's performance review in August, with the complete evaluation presented during the September Board meeting.

NEXT MEETING

September 9, 2014 at 9 a.m.



Consent Agenda

July 8, 2014 Board Meeting

The following consent agenda is presented for the July 8, 2014 meeting of the Oregon State Board of Examiners for Engineering and Land Surveying. Items may be removed from the consent agenda on the request of any one member. Items not removed may be adopted by general consent without debate. Removed items may be taken up either immediately after the consent agenda or placed later on the agenda at the discretion of the Board President.

Item #	In the matter of:	Action:
1	Approval of July 8, 2014 Board agenda.	<u>Motion/Second</u> (Duquette/Tappert)
2	Approval of May 13, 2014 Board meeting minutes.	Pulled by President Newstetter for additional discussion. <u>Motion/Second</u> (Hoffine/Duquette)
3	Approval of June 13, 2014 Examinations & Qualifications Committee meeting minutes.	<u>Motion/Second</u> (Duquette/Tappert)
4	Approval of June 20, 2014 Special Examinations & Qualifications Committee meeting minutes.	<u>Motion/Second</u> (Duquette/Tappert)
5	Approval of June 13, 2014 Oregon Specific Examination Task Force Committee meeting minutes.	Pulled by Ms. Hillyer for additional discussion. <u>Motion/Second</u> (Hoffine/Duquette)
6	Approval of June 13, 2014 External Relations Committee meeting minutes.	Pulled by President Newstetter for additional discussion. <u>Motion/Second</u> (Duquette/Boyd)
7	Approval of June 13, 2014 Finance Committee meeting minutes.	<u>Motion/Second</u> (Duquette/Tappert)
8	Approval of June 12, 2014 Law Enforcement Committee meeting minutes.	<u>Motion/Second</u> (Duquette/Tappert)
9	Approval of June 13, 2014 Professional Practices Committee meeting minutes.	<u>Motion/Second</u> (Duquette/Tappert)
10	Approval of June 13, 2014 Rules & Regulations Committee meeting minutes.	<u>Motion/Second</u> (Duquette/Tappert)



Consent Agenda

Examinations & Qualifications *July 8, 2014 Meeting*

The following consent agenda is presented for the July 8, 2014 meeting of the Oregon State Board of Examiners for Engineering and Land Surveying. Items may be removed from the consent agenda on the request of any one member. Items not removed may be adopted by general consent without debate. Removed items may be taken up either immediately after the consent agenda or placed later on the agenda at the discretion of the Board President.

Item #	In the matter of:	Action:
1	Approve Mr. Kirita's request for a waiver of references (OAR 820-010-0204(2)(b)(A)).	<u>Motion/Second</u> <u>(Burger/Tappert)</u>
2	Deny Paul M. Harlan's request for a waiver of references (OAR 820-010-0212(1)(c)(C)).	<u>Motion/Second</u> <u>(Burger/Tappert)</u>
3	Approve Sean Sandborgh's application for examination.	<u>Motion/Second</u> <u>(Burger/Tappert)</u>
4	Deny Brian Unger's request for a waiver of references (OAR 820-010-0212(1)(c)(C)).	<u>Motion/Second</u> <u>(Burger/Tappert)</u>
5	Approve Indrakiran Vennavelli's application for examination.	<u>Motion/Second</u> <u>(Burger/Tappert)</u>
6	Approve Colleen Cunningham's re-application for examination.	<u>Motion/Second</u> <u>(Burger/Tappert)</u>
7	Approve Anthony Vazques's re-application for examination.	<u>Motion/Second</u> <u>(Burger/Tappert)</u>
8	Approve Phillip Walker's re-application for examination.	<u>Motion/Second</u> <u>(Burger/Tappert)</u>



Oregon

State Board of Examiners for Engineering and Land Surveying

Consent Agenda

Oregon Specific Examination Task Force (OSETF)

July 8, 2014

The following consent agenda is presented for the July 8, 2014 meeting of the Oregon State Board of Examiners for Engineering and Land Surveying. Items may be removed from the consent agenda on the request of any one member. Items not removed may be adopted by general consent without debate. Removed items may be taken up either immediately after the consent agenda or placed later on the agenda at the discretion of the Board President.

Item #	In the matter of:	Action:
1	Approve Oregon Specific Land Surveying examination team	<u>Motion/Second</u> <u>(Tappert/Hoffine)</u>



Consent Agenda

External Relations

July 8, 2014

The following consent agenda is presented for the July 8, 2014 meeting of the Oregon State Board of Examiners for Engineering and Land Surveying. Items may be removed from the consent agenda on the request of any one member. Items not removed may be adopted by general consent without debate. Removed items may be taken up either immediately after the consent agenda or placed later on the agenda at the discretion of the Board President.

Item #	In the matter of:	Action:
1	Approve Board and Committees overview article.	<u>Motion/Second</u> <u>(Hillyer/Burger)</u>
2	Approve Changes in Fundamentals examination application rates article.	<u>Motion/Second</u> <u>(Hillyer/Burger)</u>
3	Approve Public Meetings and Executive Sessions article.	<u>Motion/Second</u> <u>(Hillyer/Burger)</u>
4	Approve The complaint process article.	<u>Motion/Second</u> <u>(Hillyer/Burger)</u>
5	Approve Utilizing the Question Form article.	<u>Motion/Second</u> <u>(Hillyer/Burger)</u>
6	Approve Supervision, control and sealing documents article.	<u>Motion/Second</u> <u>(Hillyer/Burger)</u>



LEC Consent Calendar

July 8, 2014 Board Meeting

Final Orders: For the following LEC cases, the respondents have either: 1) submitted the “Options Form” electing not to contest the findings in the Notice of Intent and submitted payment in full for the assessed penalty; 2) entered into a Settlement Agreement and will submit payment when the Final Order is issued; or 3) have not responded to the Notice of Intent and are subject to a Default Final Order. The Final Orders are ready for Board approval and Board President’s signature.

Case No.	Respondent	Violation(s)	LEC Recommendation	Action
2796	SONIA ANNE HENNUM	OAR 820-020-0015(8)	Civil Penalty \$500 - Default Final Order	<u>Motion/Second (Tappert/Burger)</u>
2799	LEONARD CHARLES KNAPP	OAR 820-020-0015(8) AND OAR 820-010-0635(1)	Civil Penalty \$1,500 and 30 day suspension - Default Final Order	<u>Motion/Second (Tappert/Burger)</u>
2821	DAVID GEORGE SANDERS	OAR 820-020-0015(8)	Civil Penalty \$500 - Default Final Order	<u>Motion/Second (Tappert/Burger)</u>
2823	STEPHEN LEO STEINER	OAR 820-020-0015(7)&(8) and the former OAR 820-010-0635(1)&(5)	Civil Penalty \$1,500 and 60 day suspension – Default Final Order	<u>Motion/Second (Tappert/Burger)</u>
2824	DAEJOONG KIM	OAR 820-010-0605	Civil Penalty \$250 – Default Final Order	<u>Motion/Second (Tappert/Burger)</u>
2825	NAOKI NIWA	OAR 820-010-0635 OAR 820-020-0015(7) OAR 820-020-0015(8)	Civil Penalty \$1,500 and 60 day suspension - Default Final Order	<u>Motion/Second (Tappert/Burger)</u>
2829	JACK L. WATSON	ORS 209.250(1) ORS 209.200 (1) to (3)	Civil Penalty \$1,000 – Settlement Agreement	<u>Motion/Second (Tappert/Burger)</u>
2845	TIMOTHY A. WOLDEN	ORS 672.045(1) OAR 802-010-0520	Civil Penalty \$10,000, 180-day suspension – Settlement Agreement	Pulled by Mr. Tappert for additional discussion. <u>Motion/Second (Tappert/Duquette)</u>
2870	RICHARD CARL SKINNER	ORS 672.047	Civil Penalty \$300 – Default Final Order	<u>Motion/Second (Tappert/Burger)</u>



LEC Consent Calendar

Additional Action Items: The following cases were discussed at the June 12, 2014 Committee meeting and the Committee recommends action on the following cases:

Case No.	Respondent	Allegation	LEC Recommendation	Action
2785	BRIAN BAIR	Unlicensed practice of engineering during a stream restoration project.	Close case – Letter of Concern	<u>Motion/Second</u> <u>(Tappert/Burger)</u>
2832	MATTHEW JOSEPH STEFFAN	Unlicensed practice of engineering.	Close case; unfounded on unlicensed practice and compliance met on LinkedIn allegations	<u>Motion/Second</u> <u>(Tappert/Burger)</u>
2837	RICHARD LOCKE	Offering engineering services without registration.	Close case – compliance met	<u>Motion/Second</u> <u>(Tappert/Burger)</u>



Oregon

State Board of Examiners for Engineering and Land Surveying

Consent Agenda

Rules and Regulations

July 8, 2014

The following consent agenda is presented for the May 13, 2014 meeting of the Oregon State Board of Examiners for Engineering and Land Surveying. Items may be removed from the consent agenda on the request of any one member. Items not removed may be adopted by general consent without debate. Removed items may be taken up either immediately after the consent agenda or placed later on the agenda at the discretion of the Board President.

Item #	In the matter of:	Action:
1	Begin the rulemaking process for OAR 820-010-0621 – Final Documents.	<u>Motion/Second</u> <u>(Tappert/Duquette)</u>