



Oregon

State Board of Examiners for
Engineering & Land Surveying
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Minutes of Meeting
September 9, 2014

CALL TO ORDER

President Newstetter called the meeting to order at 9:01 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
Ken Hoffine
Jason Kent
Ron Singh
Dave Van Dyke
Oscar Zuniga

Members excused:

Anne Hillyer

Others Present:

Mari Lopez, Administrator
Jenn Gilbert, Executive Assistant
Joanna Tucker-Davis, Assistant Attorney General (left at 11:00 a.m.)
Katharine Lozano, Assistant Attorney General (arrived at 10:45 a.m.)

PUBLIC INPUT

There was no public input.

BOARD CONSENT AGENDA

Mr. Burger requested to pull Item 5 from the Consent Agenda for additional discussion. It was moved and seconded (Boyd/Duquette) to approve Items 1-4, and 6-11 on the Consent Agenda (Attachment A). The motion passed unanimously.

There was additional discussion on the following meeting minutes:

Item 5: Digital Signatures Task Force Meeting Minutes of August 15, 2014

Mr. Burger noted that a minor discrepancy in the attendance record for the meeting. He was also in attendance as an observer. It was moved and seconded (Kent/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

Oregon Specific/National Council of Examiners for Engineering and Surveying (NCEES) Examinations

Ms. Lopez reported on the preparations for the October examinations. The NCEES examinations will be held at the Oregon State Fair & Expo Center in Salem, Oregon on October 24-25, 2014. The Oregon Specific examinations will be held at both the Best Western Plus – Mill Creek Inn and the OSBEELS office.

OSBEELS/Oregon State Board of Geologist Examiners (OSBGE) Joint Compliance Committee (JCC) Meeting – October 2nd.

Ms. Lopez reminded the members that a JCC meeting is scheduled to be held on October 2nd at 1:00 p.m. in the OSBEELS office. Revisions to the Memorandum of Understanding (MOU) were drafted by Christine Valentine, OSBGE Administrator and Ms. Lopez but not yet vetted by either Board's legal counsel. The draft revisions will be on the agenda for discussion during the meeting. Also on the agenda for discussion will be the draft meeting summary from the previous meeting held in May of 2014.

Professional Land Surveyors of Oregon (PLSO) Annual Conference

Paul Landau, PLS submitted a request on behalf of PLSO for a Board member to participate on land surveying ethics panel in January 2015. Mr. Singh expressed interest.

Oregon Department of Forestry (ODF)

Ms. Lopez shared a letter received from Doug Decker, Oregon State Forester for ODF to facilitate a discussion forum due to the concerns of licensure as it relates to forestry practices; Thomas Maness, Dean of the OSU College of Forestry is also available to help facilitate. After discussion, the Board chose to hold off on the further discussion until legal counsel for OSBEELS and ODF complete a collaborative review of the respective agencies' statutes, rules, and related internal policies.

Staff Update: Ms. Lopez was informed that ODF determined not to pursue broader legal advice on the issue. As a result, there will be no joint research or analysis. ODF did express its continuing willingness to cooperate with the Board and would appreciate the ability to participate in discussions, along with other stakeholders.

Board Vacancies

The Governor's Office is still seeking a public member to fill the vacant position.

Staffing

Ms. Lopez informed the members that Matt Bryan accepted a position with the Public Employees Retirement System (PERS); his last day at OSBEELS was Friday, August 29th.

Additionally, the Public Affairs Specialist 1 position was extended to Adaira (Addy) Floyd. Ms. Floyd will begin employment with OSBEELS on Monday, September 15th.

An announcement for an Office Assistant 2 (File Clerk) position was open for two weeks; 35 applications were for submitted for consideration.

***Administrator Review* – The Board entered into executive session pursuant to ORS 192.660(2)(i) to conduct the annual review of the Administrator. 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.**

After a brief discussion, President Newstetter stated a goal to complete the review and necessary revisions of the Administrator position by the January 2015 Board meeting, using DAS services if required. It was moved and seconded (Duquette/Kent) to grant 40 hours of Discretionary Leave to Ms. Lopez. The motion passed unanimously.

PRESIDENT'S REPORT

President Newstetter invited the members to sign the farewell card for Jim Doane to send with his plaque. With that note, the Committee Assignments were revised and staff was directed to distribute a copy to the members.

President Newstetter also noted (from the July 2014 Action Item) that the draft letter to the Oregon Association of County Engineers and Surveyors (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) is still to be completed.

President Newstetter also noted that the OSBEELS Symposium will be held on Friday the 19th. She encouraged all members to attend.

EXAMINATIONS AND QUALIFICATIONS COMMITTEE

Mr. Kent reported that that EQC met on August 15, 2014 and as a result, the Special Board meeting was held on August 19, 2014. A recommendation that was not approved during the Special Board meeting was the addition of the Petroleum discipline because a more in-depth conversation needed to occur with the full Board.

Request to add the Petroleum discipline

The members discussed the history of the Board adding disciplines to OAR 820-010-0450, the possibility of current practitioners and any ramifications, and any budgetary impact. Ms. Duquette suggested outreach to the industry for support and comment. As a result of the discussion, the topic will be sent back to the EQC for further research and consideration. Ms. Lopez will reach out to the professional petroleum engineering association for assistance.

Comity List

It was moved and seconded (Boyd/Burger) to approve the list of applicants for registration by comity containing 51 individuals. There was no additional discussion. The motion passed unanimously.

1st Registration List

It was moved and seconded (Boyd/Burger) to approve the list of applicants for registration by 1st registration containing 16 individuals. There was no additional discussion. The motion passed unanimously.

Default Final Orders

It was moved and seconded (Duquette/Kent) to approve issuing Default Final Orders to the list of 19 individuals. It was noted that this is the next step after 18 individuals did not respond or submit the options form following the issuance of a Final Order. One individual withdrew his request for a hearing and therefore, issuing a Default Final Order is the next step in the process. The motion passed unanimously.

EXTERNAL RELATIONS COMMITTEE

President Newstetter reported that the ERC met on August 15, 2014 and discussed the matters contained in the Committee minutes. There was no additional discussion.

FINANCE COMMITTEE

Mr. Hoffine reported that the FC met on August 15, 2014 and discussed the matters contained in the Committee minutes. It was moved and seconded (Duquette/Singh) to approve the Consent Agenda (Attachment B). The motion passed unanimously. There was no additional discussion.

LAW ENFORCEMENT COMMITTEE

Mr. Boyd reported that the LEC met on August 14, 2014, to discuss the matters as contained in the Committee minutes. Case numbers 2762, 2801, 2807, 2808, and 2878 were pulled from the Consent Agenda (Attachment C). It was moved and seconded (Boyd/Hoffine) to approve the Consent Agenda as revised. The motion passed unanimously.

Further discussion was held regarding the following:

Mr. Boyd briefly summarized case number 2762 related to the violations of OAR 820-010-0635(1)(a), OAR 820-010-0635(1)(c), and OAR 820-020-0015(8). Mr. Premsingh agreed to settle the matter and was assessed a civil penalty of \$500.00. It was moved and seconded (Duquette/Kent) to approve the Settlement Agreement in case number 2762. The motion passed unanimously.

Mr. Kreighbaum agreed to settle case number 2801 with a civil penalty in the amount of \$250.00 ultimately for failing to submit an address change, compliant with OAR 820-010-0605. It was moved and seconded (Kent/Duquette) to approve the Settlement Agreement in case number 2801. The motion passed unanimously.

In case number 2807, Mr. Weiss violated OAR 820-020-0015(8) and *former* OAR 820-010-0635(1) by failing to complete 10 of the required 30 PDH units and agreed to settle the matter by permanently retiring his registration without the possibility of reinstatement, in lieu of a civil

penalty. It was moved and seconded (Duquette/Kent) to approve the Settlement Agreement in case number 2807. The motion passed unanimously. Mr. Hoffine noted that the decision Mr. Weiss made is not common for this type of violation.

In case number 2808, Mr. Zadikoff violated OAR 820-020-0015(8) and agreed to settle the matter by permanently retiring his registration without the possibility of reinstatement, in lieu of a civil penalty. It was moved and seconded (Zuniga/Duquette) to approve the Settlement Agreement in case number 2808. The motion passed unanimously. Mr. Boyd noted that this is also an unusual agreement for this type of violation.

Mr. Boyd briefly summarized case number 2878. Ms. Peterson updated the Board on the status of the documentation discussed with the LEC in August as noted in items 12.1 through 12.4. After discussion and review of the documents submitted, it was noted that Mr. Duryea failed to meet the terms of the settlement agreement by not submitting: the completed survey checklists used by Duryea and field staff of Duryea and Associates for: (1) East Cascade Retirement Community, 175 NE 16th Street, Madras, Oregon; and, (2) James Gale Boundary Survey, Lots 11 & 12 of Tract no. 1084, in Klamath River Acres, Oregon. Furthermore, Mr. Duryea failed to submit the complete documentation required for The Oswegan survey project, located at 199 E Avenue, OR 97034, by failing to include copies of emails, red line drawings, and supporting documents that demonstrate Duryea's responsible charge and supervision for The Oswegan survey project. Since Mr. Duryea failed to meet the terms of the Settlement Agreement, it was moved and seconded (Boyd/Hoffine) to enforce the assessment of the abated civil penalty for case number 2878. The motion passed unanimously.

In case number 2830, it was discovered that Mr. Wegener was working under the supervision of a registered engineer while his own registration was in the delinquent status. Therefore, it was moved and seconded (Duquette/Boyd) to close case number 2830 as compliance met. The motion passed; Mr. Zuniga recused himself.

Case number 2601 – Rick Franklin Corporation (RFC) Final Order
The Committee exited its public meeting pursuant to ORS 192.690 (1) for private deliberation on a contested case. 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.

President Newstetter briefly summarized the draft RFC Final Order. It was moved and seconded (Hoffine/Duquette) to issue the draft as the Final Order for case number 2601. The motion passed; Mr. Kent abstained.

PROFESSIONAL PRACTICES COMMITTEE

Mr. Hoffine reported that the PPC met on August 15, 2014 and discussed the matters contained in the Committee minutes. Staff mentioned that Mr. Dasler has submitted more information and questions as a result of the PPC response. After discussion, staff will invite Mr. Dasler to the November Board meeting and Mr. Kent will reach out to the other interested parties as well.

With regard to the draft letter to Mr. Schell, no revisions were made and it was approved for

sending signed by the Board President.

RULES AND REGULATIONS COMMITTEE

Mr. Hoffine reported that the RRC met on August 15, 2014 and discussed the matters contained in the Committee minutes.

It was moved and seconded (Hoffine/Duquette) to approve item 1 on the Consent Agenda (Attachment D). There was no additional discussion. The motion passed unanimously.

It was moved and seconded (Hoffine/Duquette) to approve item 2 on the Consent Agenda (Attachment D). There was no additional discussion. The motion passed unanimously.

It was moved and seconded (Hoffine/Kent) to approve item 3 on the Consent Agenda (Attachment D). There was no additional discussion. The motion passed unanimously.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

2014 NCEES ANNUAL MEETING

Revised approach to education initiative

A discussion was held regarding NCEES' revised approach to the education initiative approved during the 2014 Annual meeting. Regardless of the changes to the Model Law by NCEES, each jurisdiction, including Oregon, determines the requirements for licensure.

State-specific examinations move to CBT

At this time, the Oregon specific examinations are not yet moving toward CBT. President Newstetter noted that steps are being taken to move in this direction.

BOARD MEMBER COMMENTS

There were no Board member comments.

ADJOURN

The meeting was adjourned at 3:05 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

- AAG Lozano will be coordinating with board members and staff 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).

NEXT MEETING

November 18, 2014 at 9:00 a.m.



Consent Agenda

September 9, 2014 Board Meeting

The following consent agenda is presented for the September 9, 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 September 9, 2014 Board agenda.	<u>Motion/Second</u> (Boyd/Duquette)
2	Approval of July 8, 2014 Board meeting minutes.	<u>Motion/Second</u> (Boyd/Duquette)
3	Approval of August 8, 2014 Special Board meeting minutes.	<u>Motion/Second</u> (Boyd/Duquette)
4	Approval of August 19, 2014 Special Board meeting minutes.	<u>Motion/Second</u> (Boyd/Duquette)
5	Approval of August 15, 2014 Digital Signatures Task Force meeting minutes.	Pulled by Mr. Burger for additional discussion. <u>Motion/Second</u> (Kent/Duquette)
6	Approval of August 15 2014 Examinations and Qualifications Committee meeting minutes.	<u>Motion/Second</u> (Boyd/Duquette)
7	Approval of August 15, 2014 External Relations Committee meeting minutes.	<u>Motion/Second</u> (Boyd/Duquette)
8	Approval of August 15, 2014 Finance Committee meeting minutes.	<u>Motion/Second</u> (Boyd/Duquette)
9	Approval of August 14, 2014 Law Enforcement Committee meeting minutes.	<u>Motion/Second</u> (Boyd/Duquette)
10	Approval of August 15, 2014 Professional Practices Committee meeting minutes.	<u>Motion/Second</u> (Boyd/Duquette)
11	Approval of August 15, 2014 Rules & Regulations Committee meeting minutes.	<u>Motion/Second</u> (Boyd/Duquette)



Oregon

State Board of Examiners for Engineering and Land Surveying

Consent Agenda

Finance
September 9, 2014

The following consent agenda is presented for the September 9, 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 Committee Chair.

Item #	In the matter of:	Action:
1	Approve the OSBEELS Travel Policy, as revised.	<u>Motion/Second</u> <u>(Duquette/Singh)</u>



Consent Agenda

Law Enforcement
September 9, 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
2762	RAMASURDYAL PREMSINGH	OAR 820-010-0635(1)(a) OAR 820-010-0635(1)(c) OAR 820-020-0015(8)	Civil Penalty of \$500 – Settlement Agreement	Pulled by Mr. Boyd for additional discussion. <u>Motion/Second</u> <u>(Duquette/Kent)</u>
2789	JERRY WAYNE ALBER	OAR 820-020-0015(8)	Default Final Order	<u>Motion/Second</u> <u>(Boyd/Hoffine)</u>
2801	DAVID W. KREIGHBAUM	OAR 820-010-0605	Civil Penalty of \$250 – Settlement Agreement	Pulled by Mr. Boyd for additional discussion. <u>Motion/Second</u> <u>(Kent/Duquette)</u>
2807	DAVID CHARLES WEISS	OAR 820-020-0015(8) OAR 820-010-0635(1)	Permanent Retirement – Settlement Agreement	Pulled by Mr. Boyd for additional discussion. <u>Motion/Second</u> <u>(Duquette/Kent)</u>
2808	GERALD ZADIKOFF	OAR 820-020-0015(8)	Permanent Retirement – Settlement Agreement	Pulled by Mr. Boyd for additional discussion. <u>Motion/Second</u> <u>(Zuniga/Duquette)</u>



Consent Agenda

Case No.	Respondent	Violation(s)	LEC Recommendation	Action
2819	SCOTT T. OGREN	OAR 820-020-0015(8), OAR 820-020-0025(1), ORS 672.045(1) & (2), and ORS 672.020(1) and OAR 820-010-0620	Default Final Order	<u>Motion/Second (Boyd/Hoffine)</u>
2822	JOHN ROBERT MARKS	OAR 820-020-0015 (7) & (8) and OAR 820-010-0635	Default Final Order	<u>Motion/Second (Boyd/Hoffine)</u>
2834	TIMOTHY A. HAGEDORN	OAR 820-010-0605	Default Final Order	<u>Motion/Second (Boyd/Hoffine)</u>
2835	DONALD E. MARX, JR.	ORS 672.025(1) ORS 672.045(2)	Default Final Order	<u>Motion/Second (Boyd/Hoffine)</u>
2838	BRADLEY THURMAN STILES	OAR 820-020-0015(8)	Default Final Order	<u>Motion/Second (Boyd/Hoffine)</u>
2842	MARSHALL ROBERT PIHL	OAR 820-020-0015(8)	Default Final Order	<u>Motion/Second (Boyd/Hoffine)</u>
2843	WON-JIN SUNG	OAR 820-010-0605	Default Final Order	<u>Motion/Second (Boyd/Hoffine)</u>
2844	DAVID GREGORY DICKOFF	ORS 672.020(1) and ORS 672.045(2)	Default Final Order	<u>Motion/Second (Boyd/Hoffine)</u>
2857	UNITED ENGINEERING, INC.	ORS 672.045(1) and (2), OAR 820-010-0720	Default Final Order	<u>Motion/Second (Boyd/Hoffine)</u>
2861	RICHARD ALAN BROWN	OAR 820-010-0605	Default Final Order	<u>Motion/Second (Boyd/Hoffine)</u>
2866	ALEX NIKOLAKOPULOS	OAR 820-020-0015 (7) & (8) and OAR 820-010-0635	Default Final Order	<u>Motion/Second (Boyd/Hoffine)</u>
2867	GEORGE W. SENING	OAR 820-020-0015 (7) & (8) and OAR 820-010-0635	Default Final Order	<u>Motion/Second (Boyd/Hoffine)</u>
2878	MITCHELL JAMES DURYEA	OAR 820-020-0015(8)	Settlement Agreement and NOI to Enforce assessment of abated civil penalty.	Pulled by Mr. Boyd for additional discussion. <u>Motion/Second (Boyd/Hoffine).</u>



Oregon

State Board of Examiners for Engineering and Land Surveying

Consent Agenda

Additional Action Items: The following cases were discussed at the August 14, 2014 Committee meeting and the Committee recommends action on the following cases:

Case No.	Respondent	Allegation	LEC Recommendation	Action
2830	MARK BREDE WEGENER	Unlicensed practices	Close case – Compliance met.	Pulled by Mr. Boyd for additional discussion. <u>Motion/Second (Duquette/Boyd).</u> <u>Zuniga recused.</u>