



Oregon

State Board of Examiners for
Engineering & Land Surveying
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Minutes of Meeting
November 18, 2014

CALL TO ORDER

President Newstetter called the meeting to order at 9:00 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 (arrived at 9:31 a.m.)
Steven Burger
Shelly Duquette
Ken Hoffine
Jason Kent
Ron Singh
Dave Van Dyke
Amin Wahab (left at 1:00 p.m.)

Members excused:

Oscar Zuniga

Others Present:

Mari Lopez, Administrator
Jenn Gilbert, Executive Assistant (arrived at 1:30 p.m.)
Katharine Lozano, Assistant Attorney General
JR Wilkinson, Investigator
Bob Neathamer, PLS
Tony Brooks, PLS (arrived at 1:30 p.m.)
Jon Dasler, PLS (arrived at 1:30 p.m.)
Benjamin Hocker, PLS (arrived at 1:30 p.m.)
Jason Magalen, PE (arrived at 1:30 p.m.)
Chris Romsos, Oregon State University College of Oceanic & Atmospheric Sciences (arrived at 1:30 p.m.)
Brent Johnston (arrived at 1:30 p.m.)
Mike Stecher (arrived at 1:30 p.m.)
Robert Feldpausch (arrived at 1:30 p.m.)
Brian Williams (arrived at 1:30 p.m.)
James Glaeser (arrived at 1:30 p.m.)

PUBLIC INPUT

There was no public input.

BOARD CONSENT AGENDA

President Newstetter requested to pull items 2, 3, 4, and 7 from the Board Consent Agenda for additional discussion. It was moved and seconded (Duquette/Singh) to approve items 1, 5, 6, 8, and 9 on the Board Consent Agenda (Attachment A). The motion passed unanimously.

There was additional discussion on the following meeting minutes:

Item 2: September 9, 2014 Board meeting minutes

President Newstetter noted a minor typographical error on page 6 under the header *New Business*. The sentence should read, “There was no new business.” Rather than, “There was no unfinished business.” She also announced that a second error was noted by Mr. Zuniga in the Action column of the September Board meeting, LEC Consent Agenda (Attachment C). Mr. Zuniga did not recuse himself from Case No. 2878. It was moved and seconded (Kent/Duquette) to approve the minutes, as amended. There was no additional 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 that the NCEES professional examinations took place at the Oregon State Fair & Expo Center in Salem on October 24th and 25th. She informed the members that Steven Burger observed the NCEES professional examinations on October 24th. Mr. Burger expressed his satisfaction in the administration of the examinations. He commented that chief proctor, Dana Lundy and her crew are continuing to do a good job for NCEES in the administration of the examinations in Oregon.

Ms. Lopez also reported that OSBEELS Administrative Specialists Jen and Brianna staffed the Acoustical examination in the OSBEELS office. Staff also assisted OSBEELS Exam Liaison Bob Neathamer, PLS with the Oregon Specific Land Surveying examination at the Best Western Inn.

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

Ms. Lopez reported that during the October 2nd Joint Compliance Committee (JCC) meeting, the Committee members reviewed and discussed a proposed Memorandum of Understanding (MOU) as a replacement to the existing MOU. She explained that the JCC members were generally supportive of the proposed MOU. The draft was recently vetted by AAG Lozano (OSBEELS) and AAG Martin (OSBGE) and will be presented for the JCC’s consideration at their next meeting in February 2015.

Government Auditing and Accounting Services

Ms. Lopez reported on the posting of a notice for government auditing and accounting services on the Oregon Procurement Information Network (ORPIN) and also on the OSBEELS website.

The closing date and time is 5:00 p.m. on Friday, January 2, 2015.

Office of Governor John Kitzhaber

Ms. Lopez informed the Board that she attended a meeting with Elizabeth Meuse, Deputy Director of the Legislative & Policy Office, on November 7th. Also in attendance were Bill Boyd, AAG Lozano and Jenn Gilbert. The purpose of the meeting was to discuss and provide Ms. Meuse with a better understanding of the Board's legislative concept in further detail. She explained that the meeting went well and although the concept has not yet been approved, it appears that the concept will move forward in the process. Ms. Lopez requested LC 707 to be introduced in the Senate. Further, Ms. Lopez reached out to Senator Betsy Johnson and Representative Wayne Krieger at the suggestion of Ms. Meuse due to communications in 2013, regarding possible revisions to Oregon Revised Statutes Chapter 672, which may allow a waiver of the fundamentals of engineering (FE) examination for individuals who have already been licensed in other states. LC 707, in part, proposes to allow OSBEELS to waive the requirement of successfully passing the FE examination for qualifying applicants that hold an active registration to practice in another jurisdiction for a minimum of 25 years, prior to the date of application. Ms. Lopez reported that Representative Krieger responded by thanking the Board for following up. His only request is to replace the word "may" with "shall" on page 3, Section 7, line 28. It was moved and seconded (Duquette/Van Dyke) to accept Representative Krieger's request to replace the word "may" with "shall" on page 3, Section 7, line 28. There was no additional discussion. The motion passed unanimously.

Board Vacancies

Ms. Lopez reported that an appointment to the Board had been made by the Governor's Office. The new member of the Board fulfills the second public member position.

- Amin Wahab (10/13/14 – 6/30/18)

Mr. Wahab served on the OSBEELS Board from 2007 to 2013, but resigned to accept a one-year assignment with the U.S. Agency for International Development (USAID), in Afghanistan.

She also reported that Anne K. Hillyer, RPP resigned from the Board on October 31st. Therefore, at this time, the Governor's Office is seeking to fill the position vacated by Ms. Hillyer (ORS 672.240(1)(e)), preferably by a registered professional photogrammetrist.

Staffing

Ms. Lopez informed the members that Jason Abrams accepted a position with a private law firm; his last day at OSBEELS was Friday, October 17th.

Board Action Items

- November 2013 Action Item - AAG Lozano will be coordinating with Board Members and staff to evaluate and edit Ms. Lopez's position description.

Ms. Lopez and AAG Lozano have been in communications regarding the task.

- July 2014 Action Item - 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*

Ms. Lopez reported that a letter along with copies of the opinions were sent to OACES Interim President James H. Elam, PLS, CWRE.

PRESIDENT'S REPORT

President Newstetter thanked Mr. Burger for his report on the NCEES professional examinations. She also welcomed Mr. Wahab's return to the Board. With that note, the Committee Assignments were revised to reflect Mr. Wahab as the Chair for the External Relations Committee. Mr. Wahab was also appointed to serve on the Finance and the Oregon Specific Examination Task Force committees. President Newstetter appointed Shelly Duquette, Ken Hoffine, and Steven Burger as the alternate members of the Law Enforcement Committee. Staff was directed to distribute revised copies of the Committee Assignments to the members.

President Newstetter also noted that the Governor's Office will begin requiring quarterly reporting by the Administrators and Chairs of all Boards and Commissions through Survey Monkey. She and Ms. Lopez plan to work together to complete the survey for OSBEELS. President Newstetter will report on the survey questions and answers during the January 2015 Board meeting.

DIGITAL SIGNATURES TASK FORCE

Mr. Singh reported that the task force met on October 10, 2014 and discussed the matters contained in the draft Committee minutes (**Item 3: Digital Signatures Task Force Meeting Minutes of October 10, 2014**). Mr. Singh noted that there were discrepancies from his recollection located on page 3, along with minor typographical errors found on page 1. It was moved and seconded (Singh/Duquette) to table the approval of the minutes for consideration during the January 2015 Board meeting. This will allow Staff additional time to revisit the recording and make revisions to the draft accordingly. The motion passed unanimously.

Mr. Singh recapped on his suggestion made during the Digital Signatures Task Force Meeting in October, which was to recognize that the digital signature in the digital design process should be equivalent to the wet signature in the traditional design process. However, Mr. Singh proposed an addition: require an affixed simile of the seal on each page of the digitally signed document (digitally signed as a file). Mr. Singh also recapped the discussion during the Digital Signatures Task Force Meeting in October regarding whether or not registrants are required to use a third party certificate authority registered in the State of Oregon. Mr. Singh reported that the Committee's position on the matter is as follows: A third party certificate authority is required; however, the Board will not regulate which third party certificate authorities are acceptable. AAG Lozano provided a draft of the new rules based on proposals made during the Digital Signatures Task Force Meeting in October. The Board discussed the drafts and made suggestions. AAG Lozano agreed to work with Mr. Singh regarding definitions and also with the surveyors and engineers on the Board independently regarding items that would require each page to be stamped, and to clarify the terms of the size of the seal for each page that is printed from a digital file. Ms. Duquette and Ms. Lopez suggested that these drafts be brought to the December 2014 Digital Signatures Task Force (digital signatures aspects) and Professional Practices Committees (wet signatures aspects). There was no further discussion.

EXAMINATIONS AND QUALIFICATIONS COMMITTEE

Mr. Kent reported that that EQC met on October 10, 2014 and discussed the matters contained in the draft Committee minutes (**Item 4: Examinations & Qualifications Committee Meeting Minutes of October 10, 2014**). AAG Lozano noted that there were areas in which more clarity could be provided for a better depiction of the discussions held on page 3 of the draft. Ms. Lopez informed the Board that the Registration Department did not have the opportunity to review the minutes prior to the distribution of the draft. As a result, it was moved and seconded (Kent/Duquette) to table the review and discussion for later in the meeting and allow Staff the opportunity to review the draft and revise accordingly. There was no additional discussion. The motion passed unanimously.

Mr. Neathamer reported that on October 25, 2014 he and the registration staff held the Oregon Specific Land Surveying Examination at the Best Western Inn, Salem, Oregon. 22 out of the 24 individuals qualified to take the exam attended. Mr. Neathamer brought the 77% pass rate to the member's attention, stating that it was one of the highest pass rate percentages for the exam since 1994. He also reported that one examinee was within the 5 point cutoff score and would be able to review his exam upon written request as contained in OAR 820-010-0470(1). Mr. Neathamer complimented staff for their efforts in administering the exam. Mr. Neathamer suggested that the Board consider computer based testing (CBT) for the Oregon Specific Land Surveying Examination. Ms. Duquette expressed that she was impressed how promptly the exams were reviewed and graded.

PE Comity List

It was moved and seconded (Kent/Burger) to approve the list of applicants for PE registration by comity containing 84 individuals. There was no additional discussion. The motion passed unanimously.

PLS Comity List

It was moved and seconded (Kent/Duquette) to approve the list of applicants for PLS registration by comity containing 10 individuals. There was no additional discussion. The motion passed unanimously.

1st Registration List

It was moved and seconded (Kent/Duquette) to approve the list of applicants for registration by 1st registration containing 10 individuals. There was no additional discussion. The motion passed unanimously.

Item 4: Examinations & Qualifications Committee Meeting Minutes of October 10, 2014. It was moved and seconded (Singh/Duquette) to approve the Examinations & Qualifications Committee Meeting Minutes and Consent Agenda (Attachment B). There was no additional discussion. The motion passed; Mr. Hoffine recused himself from voting on the consent agenda.

EXTERNAL RELATIONS COMMITTEE

President Newstetter reported that the ERC met on October 10, 2014 and discussed the matters contained in the Committee minutes. It was moved and seconded (Boyd/Duquette) to approve the Consent Agenda (Attachment C). There was no additional discussion. The motion passed unanimously.

PEO Invitation

Ms. Lopez reported on the invitation from the Professional Engineers of Oregon (PEO) Program Committee to present on a Professional Track 1-hour presentation during their May, 2015 Annual Conference in Sunriver. Mr. Singh volunteered to present on the topic of digital signatures. Mr. Kent and Ms. Duquette volunteered to present on the topics of Modifying Designs or Documents (OAR 820-010-0622) and Responsible Charge (ORS 672.002 (9) & OAR 820-010-0010(5)). Staff will aid with the arrangements.

Ms. Lopez also reported that the Program Committee of PEO would like to invite OSBEELS to have a booth staffed at the conference. Ms. Lopez informed the Board that the Accounts Specialists have staffed a booth during previous conferences. Lastly, the Program Committee of PEO extended their invitation to include a meeting between OSBEELS and PEO after the conference on Saturday, May 16, 2015. Ms. Lopez reminded the Board that May 12th is a regular scheduled meeting (same week as PEO Conference). It was moved and seconded (Boyd/Duquette) to hold the May Board meeting on Saturday, May 16th in Sunriver. There was no additional discussion. The motion passed unanimously.

FINANCE COMMITTEE

Mr. Hoffine reported that the FC met on October 10, 2014 and discussed the matters contained in the Committee minutes. There was no additional discussion.

LAW ENFORCEMENT COMMITTEE

Mr. Kent reported that the LEC met on October 22, 2014, to discuss the matters as contained in the Committee minutes (**Item 7: Law Enforcement Committee Meeting Minutes of October 22, 2014**). President Newstetter announced that a typographical error was noted by Mr. Zuniga on page 14. The OAH hearings for cases 2697 and 2846 should show 2015 not 2014. It was moved and seconded (Kent/Duquette) to approve the Law Enforcement Committee Meeting Minutes as revised. The motion passed unanimously.

Ms. Lopez directed the Board's attention to Case numbers 2860 – Oakes, 2895 – Johnson, and 2905 – Wolden. A vote was not taken during the LEC meeting on October 22nd to proceed with issuing default final orders for cases 2860 and 2895. It was moved and seconded (Kent/Boyd) to approve the default final order for case 2860. The motion passed unanimously. There was no additional discussion. It was moved and seconded (Kent/Boyd) to approve the default final order for case 2895. The motion passed unanimously. There was no additional discussion.

Mr. Wilkinson informed the members that the LEC authorized issuing a Notice of Intent (NOI) to Wolden in case #2905 on October 22nd. The revocation and civil penalty of \$12,000 was determined using the findings of six instances of violations of statute and terms of the settlement agreement in a preliminary evaluation. However, upon review of evidence by Counsel it was discovered that the evidence for three of the instances would not support the proposed civil penalty. Staff proposed to reduce the proposed civil penalty to \$6,000 based on the evidence of three instances of unlicensed practice and three instances of settlement agreement violations. It was moved and seconded (Kent/Singh) to issue a NOI to assess a \$6,000 civil penalty and to revoke his professional engineer registration for violations of ORS 672.045(1), ORS 672.200(1) and (5), and OAR 820-010-0520. There was no additional discussion. The motion passed

unanimously.

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

PROFESSIONAL PRACTICES COMMITTEE

Mr. Hoffine reported that the PPC met on October 10, 2014 and discussed the matters contained in the Committee minutes. There was no additional discussion.

RULES AND REGULATIONS COMMITTEE

Mr. Hoffine reported that the RRC met on October 10, 2014 and discussed the matters contained in the Committee minutes. It was moved and seconded (Boyd/Duquette) to approve the Consent Agenda (Attachment E). There was no additional discussion. The motion passed unanimously.

UNFINISHED BUSINESS

Forestry Practice

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. President Newstetter announced that waiving confidential privilege, at this time, on the October 8, 2010 AAG Memorandum concerning Industrial Exemptions/Legislative History would be premature; the members agreed. AAG Lozano was directed to provide the Board with the legislative history on ORS 672.060(5) by the January 2015 Board meeting. Mr. Hoffine provided a brief explanation on the reasons why this issue has come to his immediate attention, which includes cases being currently handled by the Law Enforcement Committee. AAG Lozano reported that a private forest industry attorney contacted her and counsel for the Oregon Department of Forestry to request a private conversation regarding the OSBEELS statues; AAG Lozano declined. Additionally, AAG Lozano reported that the attorney also asked her to provide prior AAG advice rendered to the Board; AAG directed the attorney to the public records request form to request legal advice memoranda, which may be provided if privilege has been waived by the Board. Staff reported that the public record request submitted by the attorney was received, but the privilege was not waived on the advice requested and, therefore, the advice memorandum was not provided to him.

NEW BUSINESS

Amending Agreements with Oregon Universities

AAG Lozano provided brief explanation of why the master amendment agreement is needed, explaining that the universities are breaking off from central state government, and therefore any contracts or agreements with the universities must be changed and why future contracts or agreements need to be handled differently. For the forest engineering and acoustical engineering exams developed, scored, and currently stored by Oregon higher education staff, a different type of agreement will be required from that required for the Oregon Specific Land Surveying exam developed, scored and currently stored by Mr. Neathamer and his examination team. AAG Lozano suggested that starting the process now will allow more time for preparations, (ex:

counsel review and signature from all parties) prior to administering the exam. Mr. Neathamer suggested that OSBEELS administer computer based testing for Oregon-specific land surveying exam and volunteered the assistance of his Exam Team, but noted that it would require additional IT staff and expertise. Ms. Lopez noted that other states administering computer based testing have procured services from outside companies who specialize in computer based testing; she mentioned “Prometrics” as a company used by other Boards to convert paper based testing to computer based testing. AAG Lozano noted three options for the examinations currently housed on university property and prepared and scored by university staff: 1) Discontinue recognizing the forest and acoustical engineering exams 2) enter formal agreements with the schools , but keep the process as it is now – or similar to what it is now, with agreements clarify details such as exam question security and location, exam security, and intellectual property ownership; or, 3) have OSBEELS administer, develop, and house the exam. Mr. Singh suggested conferring with other State’s Boards who have gone through the process of transitioning to State-specific computer based testing and potentially have them speak to the Board regarding the process and staffing suggestions. Ms. Lopez agreed to contact the Washington and California Boards on the matter. AAG Lozano proposed drafting formal agreements to address pressing matters, such as security requirements and the intellectual property. It was moved and seconded (Hoffine/Duquette) to direct AAG Lozano to draft an MOU between OSBEELS and Oregon State University and to also discuss the matter further during the Oregon Specific Exam Task Force Meeting in December. The motion passed unanimously. The Board briefly discussed options for housing the exam materials and archives. There was no further discussion.

STAFF UPDATE: due to contract allocation policies at the Department of Justice and the intellectual property features of the examination agreements, the Business Transactions Section of the Department of Justice will be drafting the agreements. AAG Jack McDonald has been assigned.

HYDROGRAPHIC SURVEYING DISCUSSION

The hydrographic surveying professionals in attendance briefly introduced themselves and President Newstetter thanked them for their attendance and input. Mr. Kent noted that the intention of the discussion is to educate the Board on the practice of hydrographic surveying. He further noted that no decisions will be made and that the content of the discussion may appear in future Board and/or committee meetings. Mike Stetcher led the presentation, which focused on practice of Hydrographic Surveying in Oregon. Two letters were presented from Benjamin Hocker and Jon Dasler of David Evans and Associates Inc, Marine Services. Mr. Hocker and Mr. Dasler recapped their letters.

In summary, Mr. Dasler’s letter expressed that he and his colleagues believe hydrographic surveying falls within the purview of the Board’s mission and the practice of land surveying as defined under the Oregon Revised Statutes. Mr. Dasler addressed the Board’s mission statement and provided supporting examples of how his request could help accomplish the mission. Mr. Dasler suggested that hydrographic surveys provide data, volume calculations and drawings relating to engineering design, structure monitoring, safe maritime commerce and environmental studies relative to defined data ,similar to upland topographic surveys, and often include the location of structures and upland topography. In the letter, Mr. Dasler expressed concern and belief that there has been an increase in hydrographic survey activities by companies that do not have licensed Professional Land Surveyors (PLS) on staff. Additionally, Mr. Dasler also

addressed the US Army Corps of Engineers Hydrographic Manual and explained that the manual is one of the guiding documents for standards for hydrographic surveys in the United States. He suggested that the Board review Section I, Overview of Hydrographic Survey Techniques, which outlines the applications of hydrographic surveys. Other supporting examples and statements from industry professionals were noted, including an opinion from Mr. Bill Bergen, who is a member of the HSPS Hydrographer Certification Board, licensed PE and PLS in Florida (among other states), and retired U.S. Army Corps of Engineers (USACE) Headquarters employee. Mr. Dasler stated that contracts to the USACE are a major contributor to the USACE Hydrographic Manual. Mr. Dasler recapped his discussion with Mr. Bergen, and referenced the NCEES Model Law that defines the practice of surveying. Language from ORS 672.005 was also referenced. Mr. Dasler suggested that ORS chapter 672 defines land surveying with acts that include key elements of hydrographic surveying, such as:

672.005 (2)(a) “providing or offering to provide professional services that apply mathematics, geodesy and other sciences, (A) the making of geometric measurements and gathering of related information pertaining to (i) the physical or legal features of the earth and (iii) the space above or below the earth or (B) the development of measurements and information described in subparagraph (A) into graphics, data, maps, plans, reports, descriptions, projects or other survey products, (b) performing geodetic surveys, (g) performing or offering to perform any investigation, interpretation of evaluation of, or any consultation or testimony about, any of the services described in paragraphs (a) to (f) of this section, and (j); making surveys that involve horizontal or vertical mapping control or geodetic control.”

Ultimately, Mr. Dasler proposed that professional land surveying licensure should be required to conduct hydrographic surveys in Oregon.

In summary, Mr. Hocker’s letter addressed similar concerns, requested that the Board specifically recognize hydrography as a branch of land surveying. Mr. Hocker explained that it is his interpretation of the current law that bathymetric surveys fall under the practice of land surveying and are required to be completed by or under the direct supervision of a registered, professional land surveyor. Mr. Hocker also referenced specific definitions within subsection 2 of ORS 672.005 and his interpretation of how subsection 2 includes bathymetric surveys. Mr. Hocker suggested that the definitions closely follow the NCEES *Model Law, August 2013*. Mr. Hocker provided examples relating to bathymetric surveys, such as the use of bathymetric data, structures, and shoreline features, for navigation at port facilities. Mr. Hocker suggested that including bathymetry in the practice of land surveying ensures that surveys provided to ports, river pilots and commercial carriers have been overseen by registered professionals who are responsible for the mapping products. To support his request, Mr. Hocker also suggested that protecting the professional status of hydrography as the practice of land surveying retains the regulation authority of the Board to oversee its registrant; those practicing would then be held to the same high standards for qualification and conduct as other Board registrants. Mr. Hocker also suggested that this change would ensure that Right of Entry (ORS 672.047) regulations are followed by hydrographic surveyors. Additionally, Mr. Hocker noted the Certified Hydrographer (SH) program offered by the National Society of Professional Surveyors (NSPS), and that the Hydrographic Society of America (THSOA) offers a national certification for hydrographers. Mr. Hocker noted that as merely a certification program, THSOA has little power to discipline

its members apart from revoking their certificates. He suggested that by including performing hydrographic surveys as the practice of land surveying, the Board will bring these specifically trained surveyors under the same regulation as the professional land surveying community. Ultimately, Mr. Hocker proposed that professional land surveying licensure should be required to conduct hydrographic surveys in Oregon.

BOARD MEMBER COMMENTS

President Newstetter commented on what the next steps could be regarding the hydrographic surveying discussion. Options discussed were as follows: Put together a task force and have staff collect state information and inquire with the North Carolina (NC) Board on their experiences and review the rules/laws/exams/procedures the NC Board has regarding hydrographic surveying. Mr. Kent noted that the professionals who attended the hydrographic surveying presentation were in agreement that registration should be required to practice. Ms. Duquette noted that although the professionals may be interested in protecting their profession, OSBEELS should be concerned with protecting the life and safety of the public. Mr. Kent agreed that the OSBEELS mission should be kept in mind in determining next steps. Ms. Lozano confirmed with the hydrographic surveyors in attendance that there is currently no hydrographic surveying professional examination available. Mr. Singh expressed his concern with focusing only on hydrographic surveying instead of the big picture. President Newstetter, Mr. Singh and Mr. Neathamer commented on potential exam review details. Mr. Neathamer expressed that he agrees with Mr. Singh; a bigger picture view and a basis for surveying is needed. Ms. Newstetter requested that the discussion be continued during the January Board Meeting - focusing on defining the big picture and including information from the North Carolina Board as gathered by staff and other industry practice research. Mr. Kent commented that the meetings calendar that was distributed for 2014 was helpful. There was no further discussion.

ADJOURN

The meeting was adjourned at 4:17 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.

NEXT MEETING

January 13, 2015 at 9:00 a.m.



Consent Agenda

November 18, 2014 Board Meeting

The following consent agenda is presented for the November 18, 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 November 18, 2014 Board agenda.	<u>Motion/Second</u> <u>(Duquette/Singh)</u>
2	Approval of September 9, 2014 Board meeting minutes.	Pulled by President Newstetter for additional discussion. <u>Motion/Second</u> <u>(Kent/Duquette)</u>
3	Approval of October 10, 2014 Digital Signatures Task Force meeting minutes.	Pulled by President Newstetter for additional discussion.
4	Approval of October 10, 2014 Examinations and Qualifications Committee meeting minutes.	Pulled by President Newstetter for additional discussion. <u>Motion/Second</u> <u>(Singh/Duquette)</u>
5	Approval of October 10, 2014 External Relations Committee meeting minutes.	<u>Motion/Second</u> <u>(Duquette/Singh)</u>
6	Approval of October 10, 2014 Finance Committee meeting minutes.	<u>Motion/Second</u> <u>(Duquette/Singh)</u>
7	Approval of October 22, 2014 Law Enforcement Committee meeting minutes.	Pulled by President Newstetter for additional discussion. <u>Motion/Second</u> <u>(Kent/Duquette)</u>
8	Approval of October 10, 2014 Professional Practices Committee meeting minutes.	<u>Motion/Second</u> <u>(Duquette/Singh)</u>
9	Approval of October 10, 2014 Rules & Regulations Committee meeting minutes.	<u>Motion/Second</u> <u>(Duquette/Singh)</u>



Oregon State Board of Examiners for Engineering and Land Surveying

Consent Agenda

Examinations & Qualifications November 18, 2014 Meeting

The following consent agenda is presented for the November 18, 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 Nicholas Lagos's application to be placed on the Board's comity list for registration.	<u>Motion/Second</u> <u>(Singh/Duquette);</u> <u>Hoffine recused</u>
2	Deny Ryan J. Pantier's MS degree in lieu of one year of qualifying experience (OAR 820-010-0230(3)).	<u>Motion/Second</u> <u>(Singh/Duquette);</u> <u>Hoffine recused</u>
3	Approve Michael B. Stewart's application for examination (OAR 820-010-0230(3) and 820-010-0212(1)(c)(C)) .	<u>Motion/Second</u> <u>(Singh/Duquette);</u> <u>Hoffine recused</u>
4	Approve Ryan Carney's application for examination (OAR 820-010-0225(1)(d)).	<u>Motion/Second</u> <u>(Singh/Duquette);</u> <u>Hoffine recused</u>
5	Approve Kristian DeGroot's application for examination (OAR 820-010-0226).	<u>Motion/Second</u> <u>(Singh/Duquette);</u> <u>Hoffine recused</u>
6	Approve Atsuyoshi Ishii's re-application for examination (OAR 820-010-0227(6) and 820-010-0465(1)).	<u>Motion/Second</u> <u>(Singh/Duquette);</u> <u>Hoffine recused</u>
7	Approve to forward John D. Rasberry's application to the Regulation Department for review.	<u>Motion/Second</u> <u>(Singh/Duquette);</u> <u>Hoffine recused</u>
8	Approve Kareem Hill's re-application for examination (OAR 820-010-0465).	<u>Motion/Second</u> <u>(Singh/Duquette);</u> <u>Hoffine recused</u>



Oregon

State Board of Examiners for Engineering and Land Surveying

Consent Agenda

Item #	In the matter of:	Action:
9	Approve Matthew Johnson's application for examination (OAR 820-010-0465).	<u>Motion/Second (Singh/Duquette); Hoffine recused</u>
10	Approve Michael Larkin's re-application for examination (OAR 820-010-0465).	<u>Motion/Second (Singh/Duquette); Hoffine recused</u>
11	Approve Stephen Straw's re-application for examination (OAR 820-010-0465).	<u>Motion/Second (Singh/Duquette); Hoffine recused</u>



Oregon

State Board of Examiners for Engineering and Land Surveying

Consent Agenda

External Relations
November 18, 2014

The following consent agenda is presented for the November 18, 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 OSBEELS Welcomes New Board Member, Dave Van Dyke, P.E. article.	<u>Motion/Second</u> <u>(Boyd/Duquette)</u>
2	Approve 2014 Symposium Focuses on Innovation in Industry article.	<u>Motion/Second</u> <u>(Boyd/Duquette)</u>



LEC Consent Calendar

November 18, 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
1	2810	FRANCISCO MENESES	ORS 672.020; ORS 672.045(2), OAR 820-010-0720	Settlement Agreement; \$1,000 penalty/\$2,000 abated pending no violations for 5 years, also submit Sec. of State/business registry by 10/31/14 (rec’d 10/31/14, see Board packet)	<u>Motion/Second</u> <u>(Kent/Duquette)</u>
2	2833	FRANCISCO J. SILVA	OAR 820-010-0635; OAR 820-020-0015; OAR 820-020-0015(8)	Settlement Agreement; permanent retirement in lieu of civil penalty	<u>Motion/Second</u> <u>(Kent/Duquette)</u>

Additional Action Items: The following cases were discussed at the October 22, 2014, Committee meeting and the Committee recommends action on the following cases:

	Case No.	Respondent	Allegation	LEC Recommendation	Action
3	2865	MICHAEL J. PETERSON	OAR 820-010-060	LEC determined to withdraw the NOI due to mitigating factors	<u>Motion/Second</u> <u>(Kent/Duquette)</u>
4	2793	RICHARD DREWELOW	OAR 820-020-0015(8)	LEC determined to withdraw the NOI due to new information	<u>Motion/Second</u> <u>(Kent/Duquette)</u>
5	2871	EMERY & SONS, INC.	ORS 672.007(1)	LEC review 10/22/14; compliance met	<u>Motion/Second</u> <u>(Kent/Duquette)</u>
6	2872	NICK MARTIN KERBER	ORS 672.020 and ORS 672.045	LEC determined on 10/22/14 to close the case and send a Letter of Concern	<u>Motion/Second</u> <u>(Kent/Duquette)</u>
7	2874	WESLEY CULVER	ORS 672.007(1) and ORS 672.020	LEC review 10/22/14; compliance met	<u>Motion/Second</u> <u>(Kent/Duquette)</u>



LEC Consent Calendar

	Case No.	Respondent	Allegation	LEC Recommendation	Action
8	2875	HARVEY S. CARLISLE	ORS 672.020 and OAR 820-010-0621	LEC review 10/22/14; issue letter of concern (see Board packet)	<u>Motion/Second (Kent/Duquette)</u>
9	2881	RAMASURDYAL PREMSINGH	OAR 820-010-0720	LEC review 10/22/14; compliance met	<u>Motion/Second (Kent/Duquette)</u>
10	2882	JANE CAMPBELL	ORS 672.020 and ORS 672.045	LEC determined to close case as unfounded	<u>Motion/Second (Kent/Duquette)</u>
11	2885	SISUL ENGINEERING	ORS 672.007(1) and ORS 672.020	LEC review (10/22/14); compliance met	<u>Motion/Second (Kent/Duquette)</u>