



# Oregon

State Board of Examiners for  
Engineering & Land Surveying  
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Minutes of Meeting  
January 15, 2015

## CALL TO ORDER

President Newstetter called the meeting to order at 9:06 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  
Shelly Duquette  
Jason Kent  
Amin Wahab  
Oscar Zuniga

### Members excused:

Steven Burger  
Ken Hoffine  
Ron Singh  
Dave Van Dyke

### Others Present:

Mari Lopez, Administrator  
Jenn Gilbert, Executive Assistant (arrived at 9:40 a.m.)  
Adaira Floyd, Social and Communications Media Specialist  
Katharine Lozano, Assistant Attorney General  
JR Wilkinson, Investigator (left at 9:40 a.m.)  
Matthew Cash, PE, Professional Engineers of Oregon  
Benjamin Hocker, PLS (arrived at 1:30 p.m.)  
Mike Stecher (arrived at 1:30 p.m.)

## PUBLIC INPUT

Matthew Cash introduced himself as the President Elect of the Professional Engineers of Oregon (PEO), which he defined as a state chapter of the National Society of Professional Engineers (NSPE). First, Mr. Cash informed the members that various PEO members have historical engineering items and was curious if the Board would be interested in accepting and displaying the various items. On behalf of the Board, President Newstetter agreed to accept and display the historical items at the Board office as space permits. Mr. Cash emphasized PEO's attention to

ethics and continuing education. He stated that, to PEO's knowledge, no PEO member has faced disciplinary action in the last few years. He further explained that the chapter has instilled an "L3" concept: "learning, licensure and leadership." Next, Mr. Cash explained that PEO is interested in supporting or assisting in any advocated legislative matters. He informed the Board that PEO will be visiting the State of Oregon Capital in Salem, Oregon on February 17, 2015 for legislative appointments and lobbying. He added that although PEO does not have a full-time lobbyist, the chapter is getting more active in legislative and policy matters. Mr. Cash stated that the PEO's focus is on the resilience plan. He then informed the members of other upcoming events, which included a leadership seminar on March 16, 2015 in Portland, Oregon and PEO's annual conference, May 15-17, 2015 in Sunriver, Oregon, and added that the Board (OSBEELS) will also be holding its' May Board meeting in Sunriver, OR on Saturday, May 16. President Newstetter thanked Mr. Cash for the invitation.

### **BOARD CONSENT AGENDA**

President Newstetter requested to pull item 1 from the Board Consent Agenda for additional discussion. It was moved and seconded (Wahab/Zuniga) to approve items 2 through 10 on the Board Consent Agenda (Attachment A). The motion passed unanimously.

There was additional discussion on the following:

#### **Item 1: January 15, 2015 Board Agenda**

President Newstetter noted a minor error on page 1; section 9. The section title should read, "External Relations Committee – Amin Wahab" rather than, "External Relations Committee – Sue Newstetter." It was moved and seconded (Boyd/Duquette) to approve item 1, 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 October 2014 PE, SE, and PLS examination scores have been sent out. Due to the April 2015 NCEES Exam Administration timeline, the Examinations and Qualifications Committee (EQC) will be required to meet twice in February 2015. Staff proposed meeting on February 5<sup>th</sup> from 10:00 a.m. – 12:00 p.m. and suggested a subsequent special Board meeting to be held on Friday, February 13<sup>th</sup> to allow timely notification to exam candidates. Mr. Kent and Ms. Duquette accepted the proposed meeting times, AAG Lozano reported that she cannot be in attendance due to a scheduled hearing.

##### 2015 Southern/Western Zone Meeting

Ms. Lopez reported that the 2015 Southern/Western Zone Meeting has been scheduled to be held on May 14<sup>th</sup>-16<sup>th</sup>, 2015 in Scottsdale, AZ and that funded delegate notification response is required by Friday, February 13<sup>th</sup>, 2015. Mr. Wahab volunteered to attend the meeting. The Committee discussed staffing for the May 2015 Board meeting, planned to be held in Sunriver, Oregon on May 16<sup>th</sup>, 2015. Through general consensus, the Committee agreed to have Executive Assistant Jenn Gilbert carry out administrator duties for the May Board Meeting in place of Ms.

Lopez while she attends the 2015 Southern/Western Zone Meeting in Scottsdale, AZ.

#### 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 on the OSBEELS website. No responses were received. Ms. Lopez informed the members that the notice will be reposted to ORPIN and the OSBEELS website with an updated deadline. If allowed, AAG Lozano suggested posting the notice on the Oregon Board of Accountancy's website and Newsletter.

#### OSBEELS' Legislation

Ms. Lopez reported that the OSBEELS proposed legislative concept has been assigned a bill number for the 2014 Session; LC 707/SB 297. It was moved and seconded (Zuniga/Kent) to grant Ms. Lopez the authority to testify on the bill, with assistance from AAG Lozano requested. There was no additional discussion. The motion passed unanimously.

#### Governor's Office of Executive Appointments

Ms. Lopez reported that due to the Secretary of State's Audit of Boards and Commissions, the Governor's Office will begin requiring quarterly reporting by the Administrators and Chairs of all Boards and Commissions. Ms. Lopez collaborated with President Newstetter and submitted OSBEELS' first Quarterly Report (quarter period of October through December 2014) to the Office of the Governor, Executive Appointments on January 2, 2015. The responses were included in the Board packets as information.

#### Governor's Office of Diversity & Inclusion/Affirmative Action

Ms. Lopez reported that a request made by email on December 16, 2014 from the Governor's Diversity, Inclusion and Affirmative Action Office notified Ms. Lopez that OSBEELS had yet to submit a 2015-2017 Affirmative Action Plan (reporting period 7/1/2012-6/30/2014). Ms. Lopez informed the members that she requested and received an extension for submittal; Friday, January 16, 2015. Ms. Lopez added that she worked with AAG Brena Lopez (Labor and Employment Section of the State of Oregon Department of Justice) for advice on the matter. Ms. Lopez presented the Diversity and Inclusion Plan for the Board's review and adoption. Also included, for review was a draft cover letter for Board President signature, OSBEELS' Diversity and Inclusion Policy Statement, and Department of Administrative Services (DAS) Policy 50.010.01 - Discrimination and Harassment Free Workplace. President Newstetter noted that the January 13, 2015 dates throughout the document must be updated to show the rescheduled Board Meeting date of January 15, 2015. It was moved and seconded (Wahab/Zuniga) to approve the OSBEELS Diversity and Inclusion Plan and Policy Statement as amended and adopt DAS Policy 50.010.01 – Discrimination and Harassment Free Workplace (Appendix A). The motion passed unanimously.

#### Board Vacancies

Ms. Lopez reported that the Governor's Office has yet to fill the position vacated by Ms. Hillyer (ORS 672.240(1)(e)), preferably qualified in photogrammetric mapping. Additionally, Ms. Lopez mentioned that notifications and letters regarding the vacancy have been sent to a list of RPPs recommended by Ms. Hillyer.

## Staffing

Ms. Lopez informed the members of recent training completed by herself and Ms. Gilbert.

## Board Action Items:

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

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 noted that she meet with AAG Lozano on January 14, 2015.

## **PRESIDENT’S REPORT**

President Newstetter thanked the members for adjusting their schedules to attend the rescheduled meeting (originally scheduled for January 13, 2015). President Newstetter explained that the meeting was rescheduled due to issues in posting the public notice to the OSBEELS website within 24 hours prior to the meeting. President Newstetter noted the efforts staff will be making to ensure that the public notices are posted online within the 24 hour time frame. Next, she commended Ms. Lopez for her work in completing the OSBEELS Diversity and Inclusion Plan. Ms. Newstetter informed that members that the 8<sup>th</sup> edition of the *Reference Manual for Building Officials* (a joint effort between OSBEELS and the Oregon Board of Architect Examiners (OBAE)), was printed; however, the printed copy contained errors. These included a series of 7 consecutive missing pages and incorrect seal designs in the reviewing/stamping section. AAG Lozano offered to contact Mark Long at the Building Codes Division to see if any incorrect copies were distributed. She will then follow-up with any information regarding risks on the incorrect distributed copies. President Newstetter next noted that the May 16, 2015 Board meeting is planned to be held in Sunriver, Oregon. Staff provided an update regarding the Sunriver Resort conference room and lodging booking efforts. Staff handed out lodging information forms. There was no further discussion.

## **DIGITAL SIGNATURES TASK FORCE**

Mr. Kent reported that the task force met on October 10, 2014 and discussed the matters contained in the Committee minutes (**Item 3: Digital Signatures Task Force Meeting Minutes of October 10, 2014**) and noted that the discrepancies from the draft presented during the previous Board meeting were reviewed and revised by staff.

## **EXAMINATIONS AND QUALIFICATIONS COMMITTEE**

Mr. Kent reported that that EQC met on December 12, 2014 and discussed the matters contained in the draft Committee minutes (**Item 4: Examinations & Qualifications Committee Meeting Minutes of December 12, 2014**). It was moved and seconded (Kent/Wahab) to approve the Consent Agenda (Attachment B). There was no additional discussion. The motion passed unanimously.

## **PE Comity List**

It was moved and seconded (Kent/Duquette) to approve the list of applicants for PE registration by comity containing 76 individuals. There was no additional discussion. The motion passed unanimously.

## **1<sup>st</sup> Registration List**

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

## **OREGON SPECIFIC EXAM TASK FORCE**

President Newstetter reported that the OSETF met on December 12, 2014 and discussed the matters contained in the Committee minutes. There was a brief discussion regarding New Business Item: Oregon Specific Examination Questions to SharePoint. The members discussed Information Technology (IT) expertise at OSBEELS. It was noted by Mr. Boyd that the Construction Contractors Board (CCB) maintains approximately four IT positions at their office. Mr. Boyd suggested that OSBEELS may need to hire additional IT staff. President Newstetter informed the members that Mr. Neathamer recently submitted a Semi-Annual Report, which contained information on his exam team and their qualifications. President Newstetter applauded Mr. Neathamer for his efforts and leadership. It was moved and seconded (Zuniga/Duquette) to approve the Semi-Annual Report, submitted by Mr. Neathamer. There was no additional discussion. The motion passed unanimously.

## **EXTERNAL RELATIONS COMMITTEE**

Mr. Wahab reported that the ERC met on December 12, 2014 and discussed the matters contained in the draft Committee minutes. Regarding New Business Item **2015 OSBEELS Symposium**, Rob Brawn of CH2M Hill was identified as a potential speaker on for a Digital Signatures Demo. An error was noted on the Consent Agenda: Item # 1 should read “Approve Online License and Exam Verification System (NCEES Stats Update)” instead of “Approve Online License and Exam Verification System (SCEES Stats Update).” There were also minor revisions to item 2. It was moved and seconded (Wahab/Zuniga) to approve the Consent Agenda (Attachment C) as amended. 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 December 11, 2014, to discuss the matters as contained in the Committee minutes (**Item 7: Law Enforcement Committee Meeting Minutes of December 11, 2014**).

Ms. Lopez directed the Board’s attention to case number 2896 – Stephen T. Waring. A vote was not taken during the LEC meeting on December 11<sup>th</sup> to proceed with opening a case against Emagineered Solutions separately as a company. AAG Lozano explained why the company would need to be addressed separately from Mr. Waring as an individual, if the Board was interested in pursuing an investigation of Emagineered Solutions for offering or providing engineering services without a full-time engineer on staff. It was moved and seconded (Boyd/Zuniga) to approve opening a case against Emagineered Solutions separately. Questions arose regarding investigative issues around whether and when Emagineered Solutions offered engineering services AAG Lozano noted that these details would be addressed during

investigation, if the Board chose to open the case. The motion passed; Mr. Kent abstained. There was no additional discussion.

It was moved and seconded (Kent/Duquette) to approve Consent Agenda Items 1, 2, 3, 4 and 5 (Attachment D). The motion passed unanimously. It was moved and seconded (Zuniga/Wahab) to approve the Consent Agenda Additional Items 1 and 2. AAG Lozano briefed the members on the LEC's recommendation to withdraw the NOI and issue a Letter of Concern on Case 2863 – David C. Popescu. The motion passed unanimously.

The Board reviewed the Request for Qualifications (RFQ) for expert reviewers, and requested AAG Lozano to add an exemption under 3.2 Mandatory Qualifications, section 3.2.5, which requires “All Providers [to] have a printer, copier, and fax machine.” The Board directed AAG Lozano to draft language for individuals who do not have a fax machine (pdf and signature capabilities will still be required). It was moved and seconded (Duquette/Kent) to approve the RFQ, as amended. There was no additional discussion. The motion passed unanimously.

Mr. Boyd and President Newstetter asked AAG Lozano if board members may attend OSBEELS hearings. AAG Lozano briefly explained that the Office of Administrative Hearings' OSBEELS hearings are not confidential, but the OSBEELS board members are the final decision makers in all of the cases, so – not only to avoid being called as a witness because of attendance at a hearing, a board member who attended a hearing on an OSBEELS case would likely need to recuse him or herself from deliberations on the case and decision-making/voting on the final order.

#### **PROFESSIONAL PRACTICES COMMITTEE**

Mr. Hoffine reported that the PPC met on December 12, 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 December 12, 2014 and discussed the matters contained in the Committee minutes. AAG Lozano reported that a final draft for the definition of “appurtenance” (listed as unfinished business on RRC December 2014 agenda) is expected to be provided by the February 13, 2015 RRC meeting. Mr. Zuniga inquired if the definition would apply to both land surveying and engineering. AAG Lozano responded that the draft rule defines appurtenance in relation to structures that are exempt from engineering registration under ORS 672.060(10) and (11), and would not apply to the practice of land-surveying.

#### **UNFINISHED BUSINESS**

There was no unfinished business.

#### **NEW BUSINESS**

There was no new business.

#### **LEGAL BRIEFING**

AAG Lozano reported that the Office of Administrative Hearings (OAH) hearing for case 2846 – Nick M. Kerber will be held on January 21, 2015: a ruling on the motion for summary

determination has not been received and Mr. Kerber has not filed a response to the motion. She added that she has been following up with OAH. She explained that due to the absence of a ruling, OSBEELS will be going forward with hearing unless a favorable ruling is received prior to the hearing. The hearing for OAH case No. 1403805 – William M. Rickard will be held on February 17, 2015. She reported that a motion for summary determination was filed, no ruling was yet received and no response was received from Mr. Rickard.

AAG Lozano described the first item included in the legal briefing packets distributed to the members. She explained that the first item regarded the North Carolina State Board of Dental Examiners (NCSBDE) and the Federal Trade Commission (FTC) case that was heard by the United States Supreme Court in fall 2014. How broadly or narrowly the Supreme Court looks at the issue will influence how it may impact OSBEELS and other Oregon Boards. She reminded the members that their sole mission and role at OSBEELS is protection of the public by regulating the profession, not protection of the profession itself or of practitioners' financial interests. AAG Lozano also reminded the members that they are not permitted to speak on behalf of the Board unless specifically authorized, and cautioned them against attempting to address board matters unilaterally in their private, professional, or professional association roles.

Referencing back to the NCSBDE case, AAG Lozano briefed the newer board members on the factual and legal issues in the case.

AAG Lozano next explained the second attachment, which included the *Reyes Romayor v. Department of Public Safety Standards and Training (DPSST)*, which was argued and submitted on January 15, 2014 and filed on August 20, 2014 by the Oregon Court of Appeals. When looking at disciplining someone for ethics or moral fitness, AAG Lozano suggests looking specifically at what tense is used in the authorizing statute and rules to see which version (in effect at the time of conduct, or in effect at the time of notice and hearing) is to be applied, requiring a more careful review for many of the OSBEELS' LEC cases in determining which version of a rule or statute to use in the notice.

## **HYDROGRAPHIC SURVEYING DISCUSSION**

President Newstetter briefly described the way the Board would like to organize the discussion, presented in the following order: opening comments, Board discussion (no public comment unless called upon by the Board), and summarizing comments to close the discussion. Benjamin Hocker and Mike Stecher introduced themselves and President Newstetter thanked them for their attendance and input. During his introduction, Mr. Hocker explained that he holds a PLS license in Oregon and Alaska and noted that his perspective comes from a small business standpoint. He explained that he would like to see hydrographers brought into the profession. Next, Mr. Stecher introduced himself as an independent small-business owner of a hydrographic surveying company. He explained that the company has been in business since 2004, performing hydrographic surveys throughout the United States and internationally. He added that he does not hold a professional license in land surveying or engineering, but started his career with the National Oceanic and Atmospheric Administration (NOAA) and was professionally trained as a hydrographer. Acknowledging previous discussions between Mr. Hocker, other industry professionals and himself, Mr. Stecher asked how other professionals (who are not able to attend Board meetings) may submit letters and viewpoints for the record.

Mr. Boyd addressed Mr. Hocker and Mr. Stecher and asked them what their opinion was on the letter received from Jason Magalen, who advocated a separate license specifically aimed at this field of underwater surveying. Mr. Stecher explained that he supports the idea and Mr. Hocker expressed that further specializing opens the door to areas of mapping outside of photogrammetry.

AAG Lozano provided a legal overview and commentary. She explained that the industry appears to be divided into three advocacies: 1) current OSBEELS registrants who seek law enforcement action against hydrographers who are not currently surveyors or engineers who they believe are engaging in licensed conduct without a license 2) registrants and non-registrants who want hydrography to be created as a branch of surveying and 3) registrants and non-registrants who would like to see separate registration for hydrographers. Although these groups continue to engage the Board and submit letters, all three pathways must begin outside of the Board meetings. AAG Lozano explained that: for pathway 1, if someone brings a complaint to the Board, the complaint would go to the OSBEELS Law Enforcement Committee (LEC), they would determine if an investigation is warranted, and if investigated, the conduct subject to the complaint would be compared to what is in statute (which would be case specific), and would proceed forward with contested case rights. For pathway 2 (hydrography as a branch of surveying), someone would have to petition under the rule for a new branch, which has its' own process for public input and public comment. For pathway 3, (separate registration for hydrography), the process typically goes through legislature and requires a bill to create a new, regulated profession. The proponents, legislature and Board would then work together. President Newstetter requested a quick summary on the process of how photogrammetry was brought to OSBEELS (Senate Bill 55 in 2005). Ms. Lopez explained that the process started outside of OSBEELS and President Newstetter added that the professional society was actively participating in the formation of a new, regulated profession by statute. It was further explained that, if pathway 2 is taken and a petition for a rule change to create hydrography as a recognized branch of surveying, licensed individuals may, if the rule allows, apply for grandfathering; however, this is not an option for unlicensed individuals (ORS 672.153). Prompted by questions from President Newstetter regarding the statutory process, AAG Lozano noted that, in her experience, industry is the usual driver for such legislative changes.

Ms. Lopez reported that she contacted Andrew Ritter, the Administrator for North Carolina Board of Examiners for Engineers and Surveyors (NCBELS) and explained the matter. He explained that NCBELS has a policy about hydrographic surveying on their website ([www.ncbels.org](http://www.ncbels.org)), which lists it as the practice of land surveying. Ms. Lopez further explained that NCBELS grandfathered practitioners performing activities such as (but not limited to) mapping science surveys and geographic information systems relative to the performance of the practice of land surveying, into the land surveying registration ending during summer 2014; however, hydrographers were not exclusively grandfathered by NCBELS.

Mr. Zuniga noted that the Board can receive letters and comments anytime through a variety of communications (for example, mail and email). Interested individuals can be aware of discussions by reviewing the public notices and agendas posted on the OSBEELS website for Board meeting dates. President Newstetter suggested the practitioners who advocate separate

registration work with the Professional Land Surveyors of Oregon (PLSO) to see if they would like to join in on the discussion and also with the legislators. She further suggested interested parties review the PLSO actions in relation to Senate Bill 55 (2005 Session). Ms. Duquette reminded the members that there are no hydrographic exams developed, which can be done, but requires a process. Mr. Kent added that costs will need to be estimated, which may be of interest during the legislative process. The members discussed the processes involved in creating exams, working with NCEES, other states and Boards, and the Colonial States Board of Survey Registration (CSBSR). President Newstetter expressed that she believes the industry appears to be evolving, and quickly, with changes in technology. She explained that due to this evolution, it seems like something NCEES may be interested in. Ms. Lopez added that the exam development process requires no fewer than 10 state Boards to submit a petition to NCEES, listed in the NCEES Manual of Policy and Position Statements (EDP 5 – Entry of New Discipline or Depth Module to PE Examinations Status and EDP 10 – Entry of New Discipline or Depth Module for the PS Examination). President Newstetter expressed that there may be other state Boards interested, especially coastal states and states with large lakes and rivers. Ms. Lopez mentioned that in 2004, the Board along with 9 other states, provided support for the development of a new structural examination to the NCEES Board of Directors, which became the 16-hour structural engineering (SE) exam. AAG Lozano suggested that, strategically, it would not be a bad idea for OSBEELS to get started researching and be prepared to address the examination issue if a Bill is introduced. President Newstetter recommended OSBEELS continue communicating with other states in effort to assess the need for a new examination. Mr. Kent noted that Washington had recent discussions on the matter; Ms. Lopez added that California has as well. Meanwhile, complaints can still be received and members of the public can petition the OSBEELS' rule to recognize hydrographic surveying has a branch of land surveying.

President Newstetter opened the discussion back up to the public, where Mr. Stecher explained his understanding of the grandfathering period issued by NCBELS and how it applies to hydrographic surveyors. He also explained that the National Society of Professional Surveyors (NSPS) issues a test for certifying hydrographers, among other tests, which he suggested may be used as a starting point.

President Newstetter summarized, noting that there are multiple options for the industry to discuss and act upon. If introduced during future legislative session(s), OSBEELS can act upon Bill(s) introduced. Mr. Hocker inquired about minutes from past meetings. President Newstetter explained that the minutes from the previous meeting, where hydrography was discussed, was approved during the current meeting (January 15, 2015) and would be posted to the OSBEELS website shortly, and she added that the minutes from this meeting will be approved during the next Board meeting, which is scheduled to be held on March 10, 2015. Ms. Lopez informed Mr. Hocker and Mr. Stecher they can request any correspondences on the subject through the public records request form, also found on the OSBEELS website. Prompted by questions and statements made by Mr. Stecher, AAG Lozano and Ms. Lopez explained the OSBEELS website also provides a Question form for professional practice questions that may require Board of Committee response or action. The Board may choose to answer (which answer may, in fact, be a Declaratory Ruling) or can choose not to answer. Mr. Hocker expressed that this could be a way for the Board to make a statement, if it chooses to, on the matter without disciplinary action. Mr. Hocker and Mr. Stecher thanked the Board for their time and exited the conference room.

## **BOARD MEMBER COMMENTS**

Mr. Wahab commented on the new OSBEELS' agenda format, which he described as efficient. President Newstetter responded and informed the members that the efficiency of the new agenda format can be attributed to Carl Tappert, past OSBEELS' Board President. Mr. Zuniga inquired how staff develops the Committee minutes. Ms. Lopez responded that Ms. Floyd, Social and Communications Media Specialist, drafts Committee minutes, which are later reviewed by additional staff and presented to the Board for approval. Mr. Zuniga expressed that he has been impressed by the writing in the minutes. There were no additional comments.

## **ADJOURN**

The meeting was adjourned at 2:25 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 – awaiting a return draft from California.

### **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**

March 10, 2015 at 9:00 a.m.



## Consent Agenda

### *January 15, 2015 Board Meeting*

The following consent agenda is presented for the January 15, 2015 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.

<b>Item #</b>	<b>In the matter of:</b>	<b>Action:</b>
1	Approval of January 15, 2015 Board agenda.	Pulled by President Newstetter. <u>Motion/Second</u> <u>Boyd/Duquette</u>
2	Approval of November 18, 2014 Board meeting minutes.	<u>Motion/Second</u> <u>Wahab/Zuniga</u>
3	Approval of October 10, 2014 Digital Signatures Task Force meeting minutes.	<u>Motion/Second</u> <u>Wahab/Zuniga</u>
4	Approval of December 1, 2014 Special Examinations and Qualifications Committee meeting minutes.	<u>Motion/Second</u> <u>Wahab/Zuniga</u>
5	Approval of December 12, 2014 Examinations and Qualifications Committee meeting minutes.	<u>Motion/Second</u> <u>Wahab/Zuniga</u>
6	Approval of December 12, 2014 External Relations Committee meeting minutes.	<u>Motion/Second</u> <u>Wahab/Zuniga</u>
7	Approval of December 12, 2014 Finance Committee meeting minutes.	<u>Motion/Second</u> <u>Wahab/Zuniga</u>
8	Approval of December 11, 2014 Law Enforcement Committee meeting minutes.	<u>Motion/Second</u> <u>Wahab/Zuniga</u>
9	Approval of December 12, 2014 Professional Practices Committee meeting minutes.	<u>Motion/Second</u> <u>Wahab/Zuniga</u>
10	Approval of December 12, 2014 Rules & Regulations Committee meeting minutes.	<u>Motion/Second</u> <u>Wahab/Zuniga</u>



# Oregon State Board of Examiners for Engineering and Land Surveying

## Consent Agenda

### Examinations & Qualifications *January 15, 2015 Meeting*

The following consent agenda is presented for the January 15, 2015 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 revisions to OAR 820-010-0440 to proceed with the Rulemaking process.	<u>Motion/Second</u> <u>(Kent/Wahab)</u>
2	Approve David Smith's re-application for examination (OAR 820-010-0465).	<u>Motion/Second</u> <u>(Kent/Wahab)</u>
3	Deny Brian Clayton's application for registration by comity (ORS 672.148(1)(d)).	<u>Motion/Second</u> <u>(Kent/Wahab)</u>
4	Approve Byron Glenn's application to be placed on the Board's comity list for registration (ORS 672.148(1)(d)).	<u>Motion/Second</u> <u>(Kent/Wahab)</u>
5	Approve John Hudock's application to be placed on the Board's comity list for registration (ORS 672.148).	<u>Motion/Second</u> <u>(Kent/Wahab)</u>
6	Approve C. Rodney McComas' application to be placed on the Board's comity list for registration (ORS 672.148).	<u>Motion/Second</u> <u>(Kent/Wahab)</u>
7	Deny Mark McKay's application for registration by comity (ORS 672.102).	<u>Motion/Second</u> <u>(Kent/Wahab)</u>
8	Approve Richard Sturm's application to be placed on the Board's comity list for registration (ORS 672.148(1)(d)).	<u>Motion/Second</u> <u>(Kent/Wahab)</u>
9	Approve Yoshikazu Minegishi's request for waiver of references (OAR 820-010-0204(2)(b)(C)).	<u>Motion/Second</u> <u>(Kent/Wahab)</u>
10	Approve Satomi Taguchi's request for extension to provide documentation of CPD credits.	<u>Motion/Second</u> <u>(Kent/Wahab)</u>



## Consent Agenda

External Relations

*January 15, 2015*

The following consent agenda is presented for the January 15, 2015 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 <b>Online License and Exam Verification System (NCEES Stats Update)</b> article.	<u>Motion/Second (Wahab/Zuniga)</u>
2	Approve <b>OSBEELS Welcomes Back Amin Wahab, Public Member</b> article.	<u>Motion/Second (Wahab/Zuniga)</u>
3	Approve <b>Investigation and Enforcement</b> article.	<u>Motion/Second (Wahab/Zuniga)</u>



## Consent Agenda

### Law Enforcement

*January 15, 2015 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
2795	Shoji Hamaya	OAR 820-020-0015(7) & (8) and OAR 820-010-0635	Default Final Order pending approval	<u>Motion/Second (Kent/Duquette)</u>
2802	Chang-Woo Lee	OAR 820-020-0015(7) & (8) and OAR 820-010-0635	Default Final Order pending approval	<u>Motion/Second (Kent/Duquette)</u>
2840	Sung Ho Kim	OAR 820-010-0605	Default Final Order pending approval	<u>Motion/Second (Kent/Duquette)</u>
2862	Itaru Sano	OAR 820-020-0015(7) & (8) and OAR 820-010-0635	Default Final Order pending approval	<u>Motion/Second (Kent/Duquette)</u>
2883	David A. Edwards	ORS 672.047	Default Final Order pending approval	<u>Motion/Second (Kent/Duquette)</u>

**Additional Action Items:** The following cases and item were discussed at the December 11, 2014, Committee meeting and the Committee recommends action on the following cases/item:

Case No.	Respondent	Allegation	LEC Recommendation	Action
2863	David C. Popescu	ORS 672.025(3) and ORS 672.045	Withdrawal of the NOI and issue a Letter of Concern	<u>Motion/Second (Zuniga/Wahab)</u>
2869	Douglas Ferguson	ORS 209.250(1) and OAR 820-010-0620(2)	Insufficient evidence on filing allegations and compliance met on seal violation	<u>Motion/Second (Zuniga/Wahab)</u>

Item	LEC Recommendation	Action
Request for Qualifications (RFQ)	Approval of RFQ	<u>Motion/Second (Duquette/Kent)</u>