



Oregon

STATE BOARD OF EXAMINERS
FOR ENGINEERING &
LAND SURVEYING

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Minutes of Meeting
May 16, 2015

CALL TO ORDER

Vice-President Hoffine called the meeting to order at 9:25 a.m. in Homestead 3 at the Sunriver Resort, Sunriver Oregon. **Please note:** The Consent Agendas referenced throughout these minutes are provided as attachments to this document.

ROLL CALL

Members present:

William Boyd
Steven Burger
Shelly Duquette
Ken Hoffine
Jason Kent
Ron Singh
Dave Van Dyke
Oscar Zuniga
Amin Wahab (Excused absence; in Scottsdale, AZ for the 2015 NCEES SZ/WZ Meeting)

Others Present:

Mari Lopez, Administrator (Excused absence; in Scottsdale, AZ for the 2015 NCEES SZ/WZ Meeting)
Jenn Gilbert, Executive Assistant
Adaira Floyd, Social and Communications Media Specialist
James R. (JR) Wilkinson, Investigator
Katharine Lozano, Assistant Attorney General
Michael Hardy, PE, Professional Engineers of Oregon (PEO)
Dave Williams, PLS, Professional Land Surveyors of Oregon (PLSO)
Robert Neathamer, PLS
Belinda Holcombe-Rasmussen, PEO Executive Director
Matt Cash, PE
Tom Headley, PE

PUBLIC INPUT

There was no public input.

Due to the passing of President Newstetter, Vice-President Hoffine officiated the Board meeting. AAG Lozano expressed the Board's appreciation for Sue Newstetter, for her service, spirit, dedication and commitment to her profession, to the public's safety, and to the highest standards. Sue Newstetter will be truly missed.

BOARD CONSENT AGENDA

It was moved and seconded (Kent/Burger) to approve the Board Consent Agenda (Attachment A). The motion passed. Mr. Aldridge and Mr. Boyd abstained.

EXECUTIVE ASSISTANT'S REPORT

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

Ms. Gilbert reported the locations of the April NCEES, the Oregon Specific Land Surveying 4-hour, the Certified Water Right Examiner, and the Forest examinations administered. In addition, she reported that the Oregon Specific Land Surveying 4-hour examination was administered to 27 examinees and the Certified Water Right Examiner examination was administered to 10 examinees. Due to an administrative hearing held in the conference room of the OSBEELS office, the Forest Examination was administered to 3 examinees in the former offices of the Oregon Tourism Commission (Oregon Travel).

Progressive Engineering Experience

Ms. Gilbert noted that correspondence from American Society of Civil Engineers (ASCE) President, along with the ASCE Policy Statement 544 was provided by Jerry Carter, CEO of NCEES, to the Member Board Administrators. The correspondence relates to the PE exam and the assessment of knowledge gained through education and progressive engineering experience. There were no comments.

Registration

Ms. Gilbert reported that the annual renewal activity for June is underway. Approximately 3,000 renewals were sent out in April. The deadline to submit payment for registration and completed CPD Organizational forms is June 30, 2015.

2015 Southern/Western Zone Meeting

Ms. Gilbert briefly informed the members that she has been keeping in contact with Ms. Lopez while she is attending the 2015 Southern/Western Zone Meeting in Scottsdale, AZ with Board member Amin Wahab and Registration Specialist Brianna Weekly. Ms. Gilbert stated that Ms. Lopez was initially invited to serve on the NCEES Leadership Development Committee, but has since been requested to serve on the Nominating Committee. Before Ms. Lopez can serve on a NCEES committee, she must receive approval from the Board. It was moved and seconded (Singh/Zuniga) to approve Ms. Lopez' participation on NCEES committees. Ms. Gilbert informed the member that Ms. Lopez had already inquired about the time and travel commitments for serving on NCEES committee and her current workload will permit the additional responsibilities. The motion passed unanimously.

Further, Ms. Gilbert noted that the announcement for the NCEES Annual Meeting was made: this year's annual meeting will be held from August 19–22 in Williamsburg, VA at the

Williamsburg Lodge. Any member interested in attending should notify her since the funded delegate notification to NCEES is due by Friday, May 29. Lastly, the North Carolina Board requested support for Gary Thompson, PLS for a second term as the NCEES Treasurer. There were no comments.

Pacific NorthWest Economic Region (PNWER) Summit

Ms. Gilbert pointed out that an invitation for the PNWER Annual Summit meeting was received. The Summit will take place in Big Sky, MT from July 12–16. For informational purposes, the agenda was also provided. There were no comments or noted interest.

23rd Annual Federation of Associations of Regulatory Boards (FARB) Conference

Ms. Gilbert remarked that FARB is a non-profit organization established in 1974 to promote excellence in the regulation of professions to protect the public and that this years' conference will be held in Denver, CO. It was moved and seconded (Boyd/Duquette) to approve the expenditure for AAG Lozano's conference registration, flight, and a car rental to attend the Regulatory Law Seminar at the 23rd Annual FARB conference in Denver, CO on October 1 – 4, 2015. Although AAG Lozano offered to cover her own lodging and per diem, a friendly amendment was made by Mr. Kent to approve the expenditures for lodging and per diem should the need arise. The friendly amendment was accepted and the motion passed unanimously. Since AAG Lozano will be attending on behalf of OSBEELS and the Board has noted the value in her attendance and the information brought back, her attorney time will also be covered by OSBEELS.

Joint Compliance Committee (JCC) / OSBEELS and the Oregon State Board of Geologist Examiners (OSBGE)

Ms. Gilbert briefly mentioned that a JCC meeting was held on May 7, in the conference room of the OSBEELS office. The next JCC meeting will be held on October 1 hosted by OSBGE.

Joint Meeting with the Oregon Board of Architect Examiners (OBAE)

Ms. Gilbert reported that the OBAE Administrator, Maria Brown communicated with Ms. Lopez about holding a joint meeting in the near future. The last joint meeting with the OBAE was held in May 2006. After discussion, it was determined that practice related agenda items be decided prior to scheduling a joint meeting.

Accounting Services

Ms. Gilbert reported that the contract for accounting services was completed with the assistance of the AAG Bray and fully executed on April 28. She and Ms. Lopez subsequently met with Tom Glogau, CPA and Sandra Ryden, PA from Grove, Mueller & Swank on April 30. Work has since begun to properly adjust accounts and prepare for the upcoming audit of the Board's 2013 – 2015 financial records.

OSBEELS' Legislation

As reported in the Board packets, on May 6, a public hearing was held with the House Committee on Business and Labor, in Hearing Room E. The following individuals testified in support of SB 297A:

ACEC: Marshall Coba, Lobbyist
PEO: Matt Cash, P.E.
PLSO: Darrell Fuller, Lobbyist

Michael Hardy, P.E.

Mike Stecher and Jason Magalen, P.E. were present to represent the hydrographic surveying profession (testimony attached). They were in opposition of a dash A4 amendment introduced by PLSO that originated by David Evans and Associates that proposed to clarify the practice of land surveying to include “surveying on the water, under the water and on submerged land.” However, prior to the hearing, PLSO withdrew the dash A4 amendment.

Additionally, the dash A5 amendment replacing the term “program” with “curriculum” was introduced.

Ms. Gilbert reported that she attended the hearing with Ms. Lopez but chose not to present testimony as OSBEELS remains neutral on the hydrographic surveying matter. Further, a work session was not held following the hearing due to incomplete paperwork. Staff will continue monitoring the Bill as it progresses through the legislative process.

As discussed earlier during the Breakfast Meeting with PEO, Ms. Gilbert stated that Ms. Lopez received a phone call from Mr. Coba informing her that Representative Holvey plans to introduce an amendment to SB 297 relating to a certification or registration for hydrographers. Ms. Gilbert encouraged the members to visit the link (http://oregon.granicus.com/MediaPlayer.php?clip_id=9545) to hear the conversation during the hearing.

Staff Update: On June 16, 2015, SB 297, without Amendments dash 4, dash 5, or dash 6 passed in the House with 58 Ayes; 2 members (Buckley, Williamson) were excused for Business of the House. Subsequently, the President of the Senate signed the Bill on June 18, and the Speaker of the House signed the Bill on June 22. The Bill is now at the Governor’s desk awaiting her signature.

Oregon Secretary of State – Office of Small Business Assistance (SBA)

Ms. Gilbert updated the members on the meeting between Ruth Miles, Small Business Advocate, Ms. Newstetter, AAG Lozano, and Ms. Lopez after the March Board meeting. The meeting was held because of recent complaints from two of OSBEELS law enforcement respondents, and more recently a stakeholder of the hydrographic surveying matters. Ms. Gilbert stated that the meeting went extremely well and great information was exchanged between the parties, and she was also told that Ms. Miles left the meeting stating that she would be sharing the good work OSBEELS does, and its professional and helpful approach, with various legislators and the Governor’s Office.

Board Vacancies

Ms. Gilbert welcomed Chris Aldridge who was appointed to fill the position vacated by Anne Hillyer. However, she noted that this is Steven Burger’s last Board meeting since his term will

end on June 30, 2015. The Governor's Office has been notified of his departure that will open one engineering position and the one land surveying position vacated by the passing of Ms. Newstetter.

Staffing

File Clerk / Investigator

Ms. Gilbert reported that the File Clerk position was filled on April 6, 2015 by Jenifer Schmidt. On the other hand, she noted that Monika Peterson's last day of employment with the Board was Friday, May 15, 2015. Monika accepted a position with the Oregon Housing and Community Services. As a result, staff is working with DAS to recruit for the 2 vacant Investigator positions.

HR Manager

Ms. Gilbert also reported that the recruitment for the Human Resource Manager position was considered a failed recruitment and the reasons why. As a result, the Department of Administrative Services (DAS) was requested to re-post the Human Resource Analyst 2 (Human Resource Manager) recruitment to the State Jobs Page through the end of May. This recruitment can be accessed from the following link:

<http://agency.governmentjobs.com/oregon/default.cfm?action=viewJob&jobID=1136192>.

Another posting will also be available through iMatchSkills (Worksource Oregon Employment Department).

Staff Update: DAS has been directed to invite 8 of the 21 applicants to an interview the week of July 6, 2015.

VICE-PRESIDENT'S REPORT

Vice-President Hoffine welcomed Chris Aldridge! As a new board member and as a reminder to the current members, he stated that Board members keep their roles entirely separate from their roles as professional association members or private professionals, except for using their personal professional and technical expertise in carrying out Board duties. To maintain this separation, members must refrain from speaking or opining for the Board, or as a "Board member," outside of Board and Committee meetings unless authorized by the Board. Members should also refrain from privately or personally advising people, associations, or other groups on what is or is not lawful under the Board's statutes and rules; and refraining from discussing contents of legal advice provided to the Board or Committee Executive Sessions, unless the Board has formally waived privilege on the advice. Vice-President Hoffine noted that later in the meeting, a discussion will occur on whether or not to waive advice received as a result of an inquiry to the Professional Practices Committee. AAG Lozano added that the sole mission of the Board is the public health and safety. With that said, Board members bring their technical expertise to the table and have a very different role than another role in one's life, including professional associations. Board members conduct Board business by viewing matters through the public safety lens. She also added that the advice she provides is for Board use only unless waived. If the content of the advice is shared verbally, in writing, or summarized, the advice is waived, whether the Board wanted to or not and the advice is no longer private.

Vice-President Hoffine further conveyed that new Board members customarily attend all the committee meetings at first. Then, later in the day when a new Board President is elected, he/she

will communicate with the members (individually and before the July meeting) on which committee assignments work best for their schedules, interest, and strengths.

DIGITAL SIGNATURES TASK FORCE

Mr. Kent reported that the Task Force met on April 10, 2015 and discussed the matters contained in the Committee minutes (**Item 3: Digital Signatures Task Force Meeting Minutes of April 10, 2015**). It was moved and seconded (Duquette/Boyd) to approve Item 1 on the Consent Agenda (Attachment B). Mr. Kent clarified that the digital signature would be available for Board members to use in better understanding the process, and staff would not be digitally signing final documents. A friendly amendment was made by Mr. Singh to authorize, but not require Board staff to use the digital signature as a normal business practice within OSBEELS. The friendly amendment was accepted and the motion passed unanimously.

Mr. Kent gave a brief history on the development of the rules presented to move forward in the rulemaking process. Mr. Singh commented on the language related to multiple-paged documents. Vice-President Hoffine also pointed out the language provided in the New Business portion of the Board packets from the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects (MO Board). As a result of the discussion and the MO Board language, AAG Lozano offered to work on revising the language during the lunch break for consideration later in the meeting. It was moved and seconded (Zuniga/Aldridge) to move Item 2 on the Consent Agenda (Attachment B) to New Business.

Mr. Kent reported on his presentation given during the PEO Conference on Digital Signatures. During the presentation, he took an informal poll on those who use a digital signature; response was 2. However, there was a lot of interest on the subject. It appeared that efforts are being made to use a digital signature, but there is still confusion on the process and how to manage a digital signature.

EXAMINATIONS AND QUALIFICATIONS COMMITTEE

Mr. Kent reported that that EQC met on April 10, 2015 and discussed the matters contained in the Committee minutes (**Item 4: Examinations & Qualifications Committee Meeting Minutes of April 10, 2015**). It was moved and seconded (Singh/Duquette) to approve the Consent Agenda (Attachment C). The motion passed; Mr. Aldridge abstained.

Comity List

It was moved and seconded (Duquette/Singh) to approve the list of applicants for registration by comity containing 93 individuals. There was no additional discussion. The motion passed; Mr. Aldridge abstained.

1st Registration List

It was moved and seconded (Duquette/Singh) to approve the list of applicants for registration by 1st registration containing 11 individuals. There was no additional discussion. The motion passed; Mr. Aldridge abstained.

Oregon Specific Land Surveying Report

Mr. Neathamer reported on the administration of the Oregon Specific 4-hour Land Surveying examination by Registration Department staff Jennifer O'Neill and Brianna Weekly, along with himself and Jim Griffis. He informed the members that 27 individuals were approved for and sat for the examination on April 18, 2015. The grading of the examination was completed on May 2, 2015 and the results were as follows: 13 examinees passed with a score of 70% or better; pass rate of 48%. Of those that failed the examination, 7 examinees are within the 5 points of the cutoff score and eligible to review the examination pursuant to OAR 820-010-0470(1). The graded examinations and grader's keys have been delivered to the OSBEELS office.

Mr. Singh then inquired about the status of a previous discussion regarding the security of the Oregon Specific Examination questions. AAG Lozano updated the members on the recent completion of a contract with AAG Jack MacDonald. Due to the examination schedule, it was not practical to begin with the April 2015 administration. The Oregon Specific Examination Task Force will meet in June to review the draft contract. Mr. Zuniga will act as the Chair. There was no further discussion.

EXTERNAL RELATIONS COMMITTEE

Mr. Zuniga reported that the ERC met on April 10, 2015 and discussed the matters contained in the Committee minutes (**Item 5: External Relations Committee Meeting Minutes of April 10, 2015**). It was moved and seconded (Kent/Boyd) to approve the Consent Agenda (Attachment D). There was no additional discussion. The motion passed; Mr. Aldridge abstained.

FINANCE COMMITTEE

Mr. Hoffine reported that the FC met on April 10, 2015 and discussed the matters contained in the Committee minutes (**Item 6: Finance Committee Meeting Minutes of April 10, 2015**). It was moved and seconded (Zuniga/Duquette) to approve the Consent Agenda (Attachment E). The motion passed; Mr. Aldridge abstained.

Mr. Aldridge inquired about the Board funds and if they were a part of the General Fund. Vice-President Hoffine responded that as a semi-independent Board, the funds are not a part of the General Fund and deposited according to ORS 182.470. Further, the Board is billed for and pays for the services used, including those services from the Department of Justice and the Department of Administrative Services as an example. Mr. Zuniga noted an expense for "Security Services." Staff responded that the expense is related to the security of the Board office; not for exam security. There was no further discussion.

LAW ENFORCEMENT COMMITTEE

Mr. Kent reported that the LEC met on April 9, 2015 and discussed the matters contained in the Committee minutes (**Item 7: Law Enforcement Committee Meeting Minutes of April 9, 2015**). It was moved and seconded (Duquette/Singh) to approve the Consent Agenda (Attachment F). The motion passed; Mr. Aldridge abstained.

Emagineered Solutions

AAG Lozano provided a draft Stipulated Agreement to the Board, signed by Emagineered Solutions and approved by the company's attorney, in which Emagineered Solutions admitted to the facts and violations alleged, and paid the civil penalty proposed. The terms were similar to a

Final Order by Default, except that the Respondent formally stipulated to the terms. AAG Lozano explained the situation with Emagineered Solutions. Emagineered Solutions has admitted fault, submitted the payment, and is eager to close the case due to business relations. However, she further explained that since Emagineered Solutions is a corporation, it must be represented by an attorney. Unfortunately, when the options form was submitted, choosing that they declined to request hearing, and when they arrived at the board offices in person to submit payment for their civil penalty, Emagineered Solutions did not use an attorney. Therefore, the Stipulated Agreement serves two purposes: 1) the case can be closed; without Emagineered Solutions waiting for an attorney to ratify their default and, 2) the Board would be able to deposit the check Emagineered Solutions provided provided, without having to return it and have Emagineered Solutions re-issue it (under a Final Order by Default the law provides for a 70-day window before the civil penalty is due and payable, unless the corporation's attorney ratified the company's default before the 70 days elapsed, but that would still require a ratification waiting period). The ultimate outcome is the same as with a Final Order by Default, which is what would have normally occurred under these circumstances, had the Respondent not originally been an unrepresented corporation.

3rd Party Debt Collection

During the April meeting, the LEC discussed moving forward with a 3rd party debt collector for debts owed to the Board where the respondent resided in any state (not a foreign country). The 3rd party debt collector could also be used in instances where the Department of Revenue was not successful. It was moved and seconded (Kent/Singh) to enter into a contract with a 3rd party debt collector to pursue cases in the United States where the respondents have not paid their penalties owed to the Board. The contract will include language that the 3rd party debt collector is not to use Board letterhead for any communications, to help ensure compliance with current law. The motion passed unanimously.

PROFESSIONAL PRACTICES COMMITTEE

Mr. Hoffine reported that the PPC met on April 10, 2015 and discussed the matters contained in the Committee minutes. **(Item 8: Professional Practices Meeting Minutes of April 10, 2015).** It was moved and seconded (Hoffine/Burger) to approve the Consent Agenda (Attachment G – Waiver of DOJ File No. 917001-GB0025-15 Industrial Exemptions and Private Timber Companies). The motion passed.

Appreciation was given to AAG Lozano for the efforts made with the inclusion of the chart to distinguish specific examples of activity that may fall within the exemptions of ORS 672.060(5) and (6) from those that do not appear to fall within those exemptions. To disseminate the information, staff was directed to include the advice in a future edition of the Oregon Examiner. Additionally, it was moved and seconded (Boyd/Duquette) to post waived AAG Opinions on the Board's website. The motion passed unanimously. Member Hoffine also noted that the Committee recommended that AAG Lozano meet with the AAG serving as primary contact counsel for the Oregon Department of Forestry to share this advice with the ODF AAG. AAG Lozano further explained that, when conducting certain timber work, one companies and individuals may receive notifications from the Oregon Department of Forestry (ODF), which would alert the individuals or private companies conducting that work to potential legal concerns flowing from their activities, such as protections over sensitive ecology, protected archeological

sites, and when the work would require licensed individuals to perform it. . ODF simply alerts the companies engaged in timber work to these concerns, but does not enforce the laws subject to notification that are outside ODF's normal regulatory jurisdiction. AAG Lozano suggested that, under these circumstances, and because privilege on the advice was already waived, it would be reasonable to share this advice with the counsel for ODF. Then ODF will have the information at their disposal and could possibly incorporate the information into their notifications. It was moved and seconded (Singh/Boyd) to authorize AAG Lozano to affirmatively communicate and share DOJ File No. 917001-GB0025-15 Industrial Exemptions and Private Timber Companies with the legal counsel for the Oregon Department of Forestry. The motion passed unanimously.

RULES AND REGULATIONS COMMITTEE

Mr. Hoffine reported that the RRC met on April 10, 2015 and discussed the matters contained in the Committee minutes (**Item 9: Rules and Regulations Committee Meeting Minutes of April 10, 2015**). It was moved and seconded (Kent/Duquette) to approve Consent Agenda Item 1 (Attachment H). The motion passed; Mr. Aldridge abstained.

For Consent Agenda Item 2, AAG Lozano requested to add two commas for readability purposes. Mr. Wilkinson commented that he recently came across information from a case file where a survey cap was from Washington State. He then asked if "Oregon only" applies to the "L.S." only or also to the registered business name? After discussion, "Oregon only" was added to include the registered business name, so that either way, there is a tie to Oregon on the cap. It was moved and seconded (Boyd/Hoffine) to approve Consent Agenda Item 2 (Attachment H), as amended. The motion passed unanimously.

In reviewing the draft rules in the Board packet, AAG Lozano recognized these rules may be where the misconception of a prohibition against being able to, or require a registrant to, make up delinquent PDH units began. The language of the rules does not provide that delinquent PDH units cannot be completed or made-up. However, the language also fails to distinguish inactive and retired registrants from delinquent registrants in some respects; which does not conform with the Board's desired policy. The purpose of requiring continuing education is to maintain competency, and the situation of a registrant actively practicing all along (or wishing to be free to do so) is different from the situation of a registrant who has been retired or inactive, but now wishes to return to the option of active practice. As a result, it was moved and seconded (Singh/Boyd) to direct AAG Lozano to revise the draft language for consideration during the July Board meeting. The motion passed unanimously.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Nomination/Voting for 2015 – 2017 OSBEELS Officers

Vice-President Hoffine opened the floor for nominations –
President

Ms. Duquette nominated Mr. Kent; Mr. Boyd seconded the nomination. There were no other nominations. The result of the roll call vote follows:

Hoffine: YES

Aldridge: YES
Burger: YES
Duquette: YES
Kent: YES
Singh: YES
Van Dyke: YES
Zuniga: YES

Vice-President

Mr. Burger nominated Ms. Duquette and spoke about her accomplishments and participation on the Board to present; Mr. Kent seconded the nomination. There were no other nominations. The result of the roll call vote follows:

Hoffine: YES
Aldridge: YES
Burger: YES
Duquette: YES
Kent: YES
Singh: YES
Van Dyke: YES
Zuniga: YES

Vice-President Hoffine also recommends that the terms be for two years instead of one. The continuity is beneficial to the Board and staff. Mr. Zuniga also commented that these individuals, Mr. Kent and Ms. Duquette, represent important areas of the Board; Mr. Kent on qualifications and Ms. Duquette on examinations.

Congratulations to Mr. Kent and Ms. Duquette!

Expert Reviews

AAG Lozano explained that there are complex land surveying cases in the investigation queue. To remain consistent with recent committee requests for expert reviewers in those cases, and to streamline the investigation process, staff is requesting the Board to approve moving forward with soliciting and hiring expert reviewers for all the complex surveying cases in the queue at this time. Mr. Wilkinson also expressed his thoughts on how it would assist his workload and the importance of using expert reviewers. It was moved and seconded (Boyd/Kent) to approve staff move forward with a 3-panel expert review, and to include a clear scope of deliverables and set of deadlines in the expert reviewers' contract. The motion passed unanimously.

Final Documents

The members reviewed the language drafted by AAG Lozano during the lunch break. The draft language incorporated the favorable language found in the Missouri Board rules. The draft language also included "plats" and "surveys" because "drawings" are not commonly seen in the surveying world. After discussion, it was moved and seconded (Duquette/Burger) to approve Item 2 on the DSTF Consent Agenda (Attachment B), as amended. [To begin the rulemaking process on OAR 820-025-0001, 820-025-0005, 820-025-0010, 820-025-0015, 820-025-0020, and 820-025-0025.]

LEGAL BRIEFING

AAG Lozano summarized two cases from the Oregon Court of Appeals; Murphy v. Oregon Medical Board and Hendrickson Trucking, Inc. v. Oregon Department of Transportation as they relate to the procedural matters of the Board.

BOARD MEMBER COMMENTS

There were no Board member comments.

ADJOURN

The meeting was adjourned at 2:35 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.

Staff Update: The process of revising Ms. Lopez's position description has begun.

NEXT MEETING

Tuesday, July 14, 2015



Oregon

State Board of Examiners for Engineering and Land Surveying

Consent Agenda

May 16, 2015 Board Meeting

The following consent agenda is presented for the May 16, 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	Approval of the May 16, 2015 Board agenda.	<u>Motion/Second</u> (Kent/Burger)
2	Approval of the March 10, 2015 Board meeting minutes.	<u>Motion/Second</u> (Kent/Burger)
3	Approval of the April 10, 2015 Digital Signatures Task Force meeting minutes.	<u>Motion/Second</u> (Kent/Burger)
4	Approval of the April 10, 2015 Examinations and Qualifications Committee meeting minutes.	<u>Motion/Second</u> (Kent/Burger)
5	Approval of the April 10, 2015 External Relations Committee meeting minutes.	<u>Motion/Second</u> (Kent/Burger)
6	Approval of the April 10, 2015 Finance Committee meeting minutes.	<u>Motion/Second</u> (Kent/Burger)
7	Approval of the April 9, 2015 Law Enforcement Committee meeting minutes.	<u>Motion/Second</u> (Kent/Burger)
8	Approval of the April 10, 2015 Professional Practices Committee meeting minutes.	<u>Motion/Second</u> (Kent/Burger)
9	Approval of the April 10, 2015 Rules & Regulations Committee meeting minutes.	<u>Motion/Second</u> (Kent/Burger)



Oregon State Board of Examiners for Engineering and Land Surveying

Consent Agenda

Digital Signatures Task Force May 16, 2015 Meeting

The following consent agenda is presented for the May 16, 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	Obtain a digital signature for Board use regarding digital signatures.	<u>Motion/Second</u> <u>(Duquette/Boyd)</u>
2	To begin the rulemaking process on OAR 820-025-0001, 820-025-0005, 820-025-0010, 820-025-0015, 820-025-0020, and 820-025-0025.	<u>Moved to New Business:</u> <u>Motion/Second</u> <u>(Zuniga/Aldridge)</u> <u>Motion/Second</u> <u>(Duquette/Boyd)</u>



Oregon State Board of Examiners for Engineering and Land Surveying

Consent Agenda

Examinations & Qualifications May 16, 2015 Meeting

The following consent agenda is presented for the May 16, 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 issuing a letter of concern for the use of title “engineer” on exam application without professional registration for Josune Armas.	<u>Motion/Second</u> (Singh/Duquette)
2	Approve issuing a letter of concern for the use of title “engineer” on exam application without professional registration for Travis Arnzen.	<u>Motion/Second</u> (Singh/Duquette)
3	Approve issuing a letter of concern for the use of title “engineer” on exam application without professional registration for Ousama Barkat.	<u>Motion/Second</u> (Singh/Duquette)
4	Approve issuing a letter of concern for the use of title “engineer” on exam application without professional registration for Noah Brennen.	<u>Motion/Second</u> (Singh/Duquette)
5	Approve issuing a letter of concern for the use of title “engineer” on exam application without professional registration for Devin Coulter.	<u>Motion/Second</u> (Singh/Duquette)
6	Approve issuing a letter of concern for the use of title “engineer” on exam application without professional registration for Courtney Furman.	<u>Motion/Second</u> (Singh/Duquette)
7	Approve issuing a letter of concern for the use of title “engineer” on exam application without professional registration for Douglas Halamay.	<u>Motion/Second</u> (Singh/Duquette)
8	Approve issuing a letter of concern for the use of title “engineer” on exam application without professional registration for Gabriel Hoxmeier.	<u>Motion/Second</u> (Singh/Duquette)
9	Approve issuing a letter of concern for the use of title “engineer” on exam application without professional registration for Jill King.	<u>Motion/Second</u> (Singh/Duquette)



Oregon State Board of Examiners for Engineering and Land Surveying

Consent Agenda

Item #	In the matter of:	Action:
10	Approve issuing a letter of concern for the use of title “engineer” on exam application without professional registration for Sean Murphy.	<u>Motion/Second</u> (Singh/Duquette)
11	Approve issuing a letter of concern for the use of title “engineer” on exam application without professional registration for Michael Antonishen.	<u>Motion/Second</u> (Singh/Duquette)
12	Approve issuing a letter of concern for the use of title “engineer” on exam application without professional registration for Kyle Kraxberger.	<u>Motion/Second</u> (Singh/Duquette)
13	Approve issuing a letter of concern for the use of title “engineer” on exam application without professional registration for Thomas Hammond.	<u>Motion/Second</u> (Singh/Duquette)
14	Deny Jill Smouse’ request to withdraw and forward her April 2015 examination application to the April 2016 Forest examination administration (OAR 820-010-0442(2)(b)).	<u>Motion/Second</u> (Singh/Duquette)
15	Approve Eric Carandang’s request to apply his application approval and fees received form April 2013 examination to the October 2015 examination administration.	<u>Motion/Second</u> (Singh/Duquette)
16	Approve Jaideep Singh’s coursework and experience as qualifying for the electrical PE examination (OAR 820-010-0227(2)).	<u>Motion/Second</u> (Singh/Duquette)
17	Approve Deepareddy Akula’s coursework and experience as qualifying for a civil PE registration by comity (OAR 820-010-0227(2)).	<u>Motion/Second</u> (Singh/Duquette)
18	Approve Kenneth Breyer’s coursework and experience as qualifying for a civil PE registration by comity (OAR 820-010-0227(2)).	<u>Motion/Second</u> (Singh/Duquette)
19	Approve Timothy France’s application to be placed on the Board’s comity list for registration (ORS 672.148).	<u>Motion/Second</u> (Singh/Duquette)
20	Deny Strider Steele’s application for registration by comity (ORS 672.148).	<u>Motion/Second</u> (Singh/Duquette)
21	Deny Neil Sutherlands application for registration by comity (ORS 672.102(3), OAR 820-010-0230(1)(a)).	<u>Motion/Second</u> (Singh/Duquette)



Oregon

State Board of Examiners for Engineering and Land Surveying

Consent Agenda

External Relations
May 16, 2015 Meeting

The following consent agenda is presented for the May 16, 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 Oregon Department of Water Resources 2015 Fall CWRE Workshops article for inclusion in the <i>Summer 2015 Examiner</i> .	<u>Motion/Second</u> <u>(Kent/Boyd)</u>
2	Approve 2015 Symposium Design	<u>Motion/Second</u> <u>(Kent/Boyd)</u>



Oregon State Board of Examiners for Engineering and Land Surveying

Consent Agenda

Finance
May 16, 2015 Meeting

The following consent agenda is presented for the May 16, 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 the amount of \$3,250,000.00 for the 2015-2017 budget and to begin the rulemaking process to amend OAR 820-010-0325.	<u>Motion/Second</u> <u>(Zuniga/Duquette)</u>
2	Approve the amount of \$35.00 be charged for intern declarations and to allow applications for enrollment as an intern remain free of charge pending legislative approval of SB 297.	<u>Motion/Second</u> <u>(Zuniga/Duquette)</u>



Consent Agenda

Law Enforcement Consent Calendar May 16, 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
1	2891	URBAN ROBOTICS	OAR 820-010-0720, ORS 672.020 & ORS 672.045	Default Final Order pending approval	<u>Motion/Second (Duquette/Singh)</u>
2	2897	ROBERT STIMSON	OAR 820-020-0015(7), OAR 820-010-0505 & OAR 820-010-0635	Default Final Order pending approval	<u>Motion/Second (Duquette/Singh)</u>
3	2916	COREY NOAH WESTERMANN	OAR 820-020-0015(7) & (8), OAR 820-010-0505 & OAR 820-010-0635	Default Final Order pending approval	<u>Motion/Second (Duquette/Singh)</u>
4	2919	EMAGINEERED SOLUTIONS	OAR 820-010-0720	Stipulated Final Order	<u>Motion/Second (Duquette/Singh)</u>

Additional Action Items: The following cases were discussed at the April 9, 2015, Committee meeting and the Committee recommends action on the following cases/item:

	Case No.	Respondent	Allegation(s)	LEC Recommendation	Action
1	2880	COLLINS PINE CO.	engaged in the unlicensed practices of engineering and land surveying	Close allegations of both unlicensed engineering and unlicensed surveying as unfounded	<u>Motion/Second (Duquette/Singh)</u>
2	2892	MILLMAN SURVEYING	Engaged in the unlicensed practice of land surveying	Close case as unfounded	<u>Motion/Second (Duquette/Singh)</u>
3	2901	JOHN R. MARKS	Engaged in the unlicensed practice of engineering	Close case as unfounded.	<u>Motion/Second (Duquette/Singh)</u>



Oregon

State Board of Examiners for Engineering and Land Surveying

Consent Agenda

Professional Practices
May 16, 2015 Meeting

The following consent agenda is presented for the May 16, 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	Waive privilege on DOJ File No. 917001-GB0025-15 Industrial Exemptions and Private Timber Companies	<u>Motion/Second</u> (<u>Hoffine/Burger</u>)



Oregon

State Board of Examiners for Engineering and Land Surveying

Consent Agenda

Rules and Regulations *May 16, 2015 Meeting*

The following consent agenda is presented for the May 16, 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 in OAR 820-020-0005(1) and (2) to proceed with the Rulemaking process.	<u>Motion/Second</u> <u>(Kent/Duquette)</u>
2	Approve OAR 820-030-0080 to proceed with the Rulemaking process for adoption.	<u>Motion/Second</u> <u>(Boyd/Hoffine)</u>
3	Approve revisions in OAR 820-010-0505, 820-010-0510, 820-010-0520, and 820-010-0635 to proceed with the Rulemaking process, as amended.	Tabled to July Board meeting.