



Oregon

STATE BOARD OF EXAMINERS
FOR ENGINEERING &
LAND SURVEYING

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Minutes of Meeting
September 8, 2015

CALL TO ORDER

President Kent called the meeting to order at 9:00 a.m. in the Conference Room of the Board office. **Please note:** The Consent Agendas referenced throughout these minutes are provided as attachments to this document.

ROLL CALL

Members present:

Jason Kent
Chris Aldridge
William Boyd
Shelly Duquette
Logan Miles
Ron Singh
Dave Van Dyke
Amin Wahab
Oscar Zuniga

Members absent:

Ken Hoffine (excused)

Others Present:

Mari Lopez, Administrator
Jenn Gilbert, Executive Assistant
Jennifer O'Neill, Social and Communications Media Specialist
James R. (JR) Wilkinson, Investigator
Katharine Lozano, Assistant Attorney General
Matt Cash, PE, Professional Engineers of Oregon (PEO)
Carl Clinton, PLS, Clackamas County Surveyor
Michael Hardy, PE, Professional Engineers of Oregon (PEO)
Carmen Merlo, Portland Bureau of Emergency Management

PUBLIC INPUT

Mr. Cash thanked the Board for the extended invitation. He notified the Board that PEO published information regarding September 11, 2015 OSBEELS Symposium in their newsletter.

He also noted that PEO intends to actively participate with the Rules Hearing in November and that Mr. Hardy would be present at a later time to address the Board. There was no further input.

BOARD CONSENT AGENDA

Mr. Kent pulled Item 8; Approval Law Enforcement Committee meeting minutes. It was moved and seconded (Duquette/Aldridge) to approve the Board Consent Agenda (Attachment A) as amended. The motion passed unanimously.

ADMINISTRATOR'S REPORT

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

Ms. Lopez notified members that she will no longer be reporting the numbers of applicants for each NCEES examination administration. Senate Bill 297 A-Engrossed was passed on June 25, 2015; as a result OSBEELS is no longer pre-approving candidates to take examinations effective with the October 2015 examination administration. Instead, under the new law individuals may sit for any NCEES examination without making application to OSBEELS first for approval. Once an individual has passed all the required examinations (NCEES fundamentals and professional examinations) and obtained the other minimum qualifications, they may submit a complete application package and applicable fee for professional registration to the Board office. The Contract between the Board and NCEES was also revised.

Additionally under the new law, individuals who pass the NCEES fundamentals examinations may submit an application for an intern enrollment declaration to the Board (*with required fee of \$35.00*). The declaration certifies that the individual has passed the fundamentals examination. The declaration is not necessary, but is an option available to interested individuals. Again, once the individuals(s) have obtained the required education, experience, and passed the NCEES professional examination(s) they may make application for professional registration to the Board office. The application is already posted on the OSBEELS website for use. Ms. Lopez reported that the Oregon Specific examinations will continue to be administered by the Board and will be held at both the Best Western Plus – Mill Creek Inn and the OSBEELS office. The approximate number of approved applicants for each Oregon Specific examination is as follows:

3 – Professional Engineering:
Acoustical - 2
Geotechnical - 1
23 – 4-hour Oregon Specific Land Surveying

NCEES Annual Meeting

Ms. Lopez reported that she attended the NCEES Annual meeting in Williamsburg, VA along with Jason Kent, Shelly Duquette, Ken Hoffine, Dave Van Dyke, Amin Wahab, and Brianna Weekly. If interested, Ms. Lopez declared that the annual meeting materials such as, the meeting votes, summary of actions, and workshop presentations have been posted at: ncees.org/annual_meeting. From attending the Member Board Administrator (MBA) forum, Ms. Lopez mentioned the discussion regarding the expanding of international use of exams. She specified that delegates voted to authorize the negotiation of a contract with the Egyptian Engineering Syndicate to offer the Fundamentals of Engineering (FE) examination in Egypt.

The computer-based examination will be offered in Egypt at approved Pearson VUE test centers. She also mentioned that NCEES addressed the decline in number of surveyors entering the profession in the United States; delegates therefore, voted to implement a new initiative to support surveying education at the college level. The program will recognize up to ten professional surveying programs of distinction annually awarding each up to \$10,000.00.

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

Ms. Lopez provided the executed copy of a new JCC MOU. A JCC meeting is scheduled to be held on October 1 at 1:00 p.m. to be hosted by OSBGE.

Oregon Legislature

Ms. Lopez informed members of having received an email on August 27 from Jan Nordlund, Committee Administrator for the House Committee on Business and Labor. Ms. Nordlund requested availability on October 1 for a meeting in Salem to discuss the regulation of hydrographers; Ms. Lopez responded that October 1 would work for her and at least three members. Ms. Lopez specified that she is still waiting for the exact time and place of the meeting.

2015 OSBEELS Symposium

Ms. Lopez reminded members that the 2015 OSBEELS Symposium will be held on Friday, September 11 at the Salem Convention Center. As of September 3, OSBEELS had received 94 registrations.

Board Vacancies

Ms. Lopez welcomed new member Logan Miles who was appointed to the land surveyor position. The Governor's Office has yet to fill the engineering position vacated by Mr. Burger (ORS 672.240(1)(c)).

Staffing

Ms. Lopez updated the members that the HR Manager position was filled by Denise Warburton who began employment on July 27, 2015.

Social & Communications Media Specialist

Additionally, Ms. Lopez stated that effective September 1, Jennifer O'Neill accepted the position as the Board's Social & Communications Media Specialist.

Compliance Specialist (Investigator)

Ms. Lopez further informed the members that interviews for the Compliance Specialist (Investigator) positions will be conducted during the week of September 13.

The Board entered into executive session pursuant to ORS 192.660 (2)(f) to review the Administrator's performance appraisal and position description. All members of the audience were asked to leave the room 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 while in executive session.

It was moved and seconded (Wahab/Boyd) to approve the performance evaluation for Administrator Lopez as amended. The motion passed unanimously. President Kent mentioned that the classification to Principal Executive Manager/F of the Administrator position would be retroactive to the beginning of the fiscal year. It was moved and seconded (Boyd/Wahab) to approve the reclassification for Administrator Lopez as amended. The motion passed unanimously.

PRESIDENT'S REPORT

President Kent expanded on the NCEES Annual Meeting Ms. Lopez discussed in her Administrator's Report. President Kent mentioned that a few NCEES budget line items were discussed regarding the practice of land surveying; one of them regarding research on how to stimulate universities to draw in more interest to land surveying programs as it is a growing concern with the lack of individuals graduating with land surveying degrees and being licensed.

President Kent attended the engineering forum. He mentioned the member boards approving a position statement on future engineering education requirements for licensure as a professional engineer. He indicated that in 2014, it was voted to remove from the NCEES Model Law and Model Rules the additional education requirements for engineering licensure that were set to take effect in 2020. These requirements called for an engineering licensure candidate to obtain a master's degree or its equivalent before initial licensure. This year it was moved to a position statement and not included in Model Law. As a position statement it is non-binding, but simply reflects the position of NCEES.

President Kent also mentioned having attended a law enforcement forum where attorney's discussed the North Carolina State Board of Dental Examiners (NCSBDE). President Kent specified having missed the Wednesday law enforcement forum and asked members who attended the Annual Meeting, if there were any law enforcement items that weren't covered between Ms. Lopez's Administrator Report and his President's Report. Mr. Van Dyke responded that many member boards seemed concerned, having mentioned unique situations that put them at more exposure than OSBEELS. Comparatively, Mr. Van Dyke felt that as a Board, OSBEELS is in a pretty good position. President Kent stated that some of the most vulnerable Boards are commonly those that consist of market participants that are elected by market participants and don't necessarily have strong oversight. He also noted that currently OSBEELS includes public members on the Law Enforcement Committee (LEC) and that it would be well worth considering this as a requirement. He then reminded Board members that during Committee meetings and Board meetings everything is recorded and can be used as discovery. President Kent further reminded Board members, when serving on the Board they should ensure that in good faith they are making decisions that are best for the welfare of public in safeguarding life, health and property.

President Kent explained that over the next couple of months he would like to complete the Board Orientation Packet (Board Member Manual). He asked Board members for any input regarding items to be included in the packet. A few things he suggested were the existing rules and statutes, W-2 form, the Private Roster, Committee Assignments, and Board member procedures such as quorum information and the absence policy. Mr. Boyd contributed that

information regarding the travel policy should be included. Mr. Zuniga also suggested including information about claiming Professional Development Hours (PDH). President Kent mentioned an ethics presentation from a few years back and commented that the handouts from that presentation would be nice to have. Mr. Wahab asked if the Governor's office still offers training for new Board members; Ms. Lopez replied that they do not. AAG Lozano added that there has been discussion of bringing it back. Mr. Van Dyke thought a general overview of the entire process would be very helpful; for example what is a Consent Agenda? Ms. Duquette added, as a member of another board, she is currently working on a similar document and thought it would be beneficial to include the duties of each Committee and maybe even the duties of the Administrator. Mr. Aldridge joined in stating that it might be advantageous to include who in the administrative staff handles what. Ms. Duquette expects, in the next few months, to complete the document that she is currently working on and mentioned that she would be willing to provide it as input. Ms. Lopez added that she has started on a draft and has forwarded it to AAG Lozano for review. She suggested that she and AAG Lozano meet review its current status. President Kent specified that he would like to have a draft version ready for review in two months. Mr. Miles contributed to the discussion, asking that information on what to do when approached with an issue by the public be included in the packet. President Kent responded by letting Mr. Miles know that as Board members they may not speak on behalf of the Board, however, giving their personal opinion is fine. President Kent also suggested that Mr. Miles direct any individuals with questions to utilize the Board's Question Form. AAG Lozano added that there is also a Complaint Form available on the Board's Web site. There was no further discussion.

Monument protection and preconstruction surveys

Mr. Carl Clinton, Clackamas County Surveyor, presented to the Board information regarding monument protection and preconstruction surveys. Mr. Clinton requested that the Board inform engineers of their responsibilities when it comes to monument protection and preconstruction surveys. Mr. Boyd asked what the current law states regarding those responsibilities. Mr. Clinton quoted ORS 209.150. AAG Lozano informed the Board that ORS 209.150 is not within OSBEELS authority and that there are two statutes regarding the placement of destroyed monuments, one being the standard and one regarding after construction or re-construction that are within the Boards purview. She also specified that for those particular situations there are civil court remedies per ORS 209.990. Mr. Boyd then clarified with AAG Lozano if there are any statutes indicating it is the engineer's responsibility to make sure such requirements are being met. AAG Lozano specified not unless the engineer is the person causing the construction or re-construction to happen. AAG Lozano added that OSBEELS may have some authority if the Board determined to make it a practice standard. Ms. Duquette questioned that although it is not in the Board's purview, if it would be worth having information placed in the Oregon Examiner. AAG Lozano added that it is a policy decision for the Board to include an article in the Oregon Examiner; however, the Board should be mindful of setting a precedent of publishing articles regarding certain laws and rules that cannot be enforced by the Board. Mr. Singh wondered if the Board could consider articles written by the public to be posted in the Oregon Examiner. AAG Lozano suggested that if that were to be something the Board considered doing that she might be asked to review the article(s) before the Board determined whether to publish them to ensure that the Board is not making any type of implications, legal statements, policy statement or taking a position as a Board that would be inappropriate. President Kent asked Mr.

Clinton if he would be interested in writing an article to be considered by the Board for the Oregon Examiner. It was moved and seconded (Kent/Van Dyke) that Mr. Clinton provide an article to be considered by the External Relations Committee (ERC) and legal counsel as a potential article for the Oregon Examiner. The motion passed unanimously.

Home Disclosure Ordinance and Unreinforced Masonry Buildings

Ms. Carmen Merlo, Portland Bureau of Emergency Management, presented to the Board information regarding Home Disclosure Ordinance and Unreinforced Masonry Buildings. Ms. Merlo invited any interested Board members to take part in the policy committee. President Kent responded by letting Ms. Merlo that any interested members would be in contact with her. There was no further discussion.

EXAMINATIONS AND QUALIFICATIONS COMMITTEE

Ms. Duquette reported that the EQC met on August 14, 2015 and discussed the matters contained in the Committee minutes (**Item 4: Examinations and Qualifications Committee Meeting Minutes of August 14, 2015**). It was moved and seconded (Aldridge/Wahab) to approve the EQC Consent Agenda (Attachment B). The motion passed unanimously.

Registration List

It was moved and seconded (Kent/Wahab) to approve the list of applicants for registration containing 104 individuals. There was no additional discussion. The motion passed unanimously.

Company letters discussion

Staff explained that the EQC currently issues title violation letters to applicants who inadvertently violate ORS 672.007 in their registration application and that it was being brought to the Board for discussion if they would like to also issue a similar letter to the applicant's employer as well. Ms. Duquette elaborated that there have been situations where the applicants indicated they were using the titles because they were issued to them by their employer. AAG Lozano clarified that the discussion would be whether or not the Board would like to allow EQC the ability to issue letters to the companies regarding title violations or to continue sending the companies to the Regulation Department for investigation. Ms. Duquette specified that it has streamlined the process in simply informing applicants rather than sending them to law enforcement and that it would not be such a bad idea in providing companies with similar information. AAG Lozano mentioned through her history on the Board, three common situations often occur: the applicant who's not aware of the title violation and independently decides to use the "engineer" title without any connection to his or her company's practices; the company whose "engineer" titles are issued internally and not intended for the public, but ends up with an employee who is an OSBEELS applicant and incorrectly uses his or her internal company title on the OSBEELS application; and the companies that willfully violate the Board's title act to make it appear that their employees are engineers when they are not. Mr. Van Dyke expressed concern assuming guilt of a company based on the actions of the applicant. Ms. Duquette agreed, however, she also stated that in the event a company is informed by the Board several times they can then be forwarded to the Regulation Department for investigation. Mr. Zuniga clarified that the letter to be sent to a company would not be an accusatory letter but rather informational. It was moved and seconded (Kent/Aldridge) to approve EQC to issue

informational title violation letters to the employers of applicants who include title violations on their applications. Ms. Duquette asked that a draft letter be placed on the agenda for consideration during a future EQC meeting. The motion passed unanimously.

OREGON SPECIFIC EXAMINATION TASK FORCE

Mr. Zuniga reported that the OSETF met on August 14, 2015 and discussed the matters contained in the Committee minutes (**Item 5: Oregon Specific Examination Task Force Meeting Minutes of August 14, 2015**). Mr. Zuniga requested to pull Item 1 of the Consent Agenda (Attachment C); Statement of Compliance to be reconsidered during the next OSETF meeting. President Kent also requested to pull Item 2; procuring a cabinet to house examination questions and to begin utilizing the State Data Center for further discussion. President Kent requested a more detailed explanation regarding the cabinet, how it would be secured, and how the Board plans to begin utilizing the State Data Center. Mr. Zuniga explained that examination questions that make up each Oregon Specific Examination are not currently in secure possession of the Board. Ms. Lopez explained that research needed to be conducted regarding the cost of using the State Data Center. Mr. Zuniga expressed that moving the Board's data to the State Data Center was not a decision suitable for the OSETF to make. President Kent agreed and asked that the decision to move to the State Data Center be made at the administrative level. AAG Lozano indicated that such decision must be made by the Board; however, staff is still in the process of looking into the costs. Ms. Lopez further explained that the State Data Center was discussed in conjunction with determining the housing of Oregon specific examination questions. President Kent asked if the cost of procuring a cabinet was also to be determined by the Board. Ms. Lopez responded that information regarding the cost of moving to the State Data Center and procurement of a cabinet were being gathered. Ms. Lopez expressed some concern with how the Board will move forward with the grading of future Oregon specific examinations in that it would require the exam teams to come to the Board office to compile and grade the examinations. She further questioned if it would be worth beginning the process to move to Computer Based Testing (CBT). Mr. Miles added that through his recent discussions with individuals from the Washington State Board of Registration for Professional Engineers and Land Surveyors, who've recently switched to CBT, shared that they were not too pleased with the outcome of switching to CBT. It was moved and seconded (Van Dyke/Boyd) to approve staff to begin the process of procuring and housing Oregon specific examination questions and report back with its findings by the next Board meeting in November. The motion passed unanimously.

EXTERNAL RELATIONS COMMITTEE

Mr. Wahab reported that the ERC met on August 14, 2015 and discussed the matters contained in the Committee minutes (**Item 6: External Relations Committee Meeting Minutes of August 14, 2015**). There was no further discussion.

FINANCE COMMITTEE

Mr. Kent reported that the FC met on August 14, 2015 and discussed the matters contained in the Committee minutes (**Item 7: Finance Committee Meeting Minutes of August 14, 2015**). There was no further discussion.

LAW ENFORCEMENT COMMITTEE

It was moved and seconded (Boyd/Duquette) to approve the Law Enforcement Meeting Minutes of the August 13, 2015 (Item 8: Law Enforcement Meeting Minutes of August 13, 2015) as amended. The motion passed unanimously.

Mr. Boyd requested to pull all items on the LEC Consent Agenda (Attachment D), case number 2879: Andrea LaLiberte, case number 2906: Darren L. Weigart, case number 2921: Greg B. Logan, case number 2924: Roland S. Allmon, and case number 2905: Timothy Wolden for further discussion.

Case #2879 –Andrea LaLiberte

Mr. Boyd briefly summarized the LEC discussion concerning Andrea Laliberte who is not a registered photogrammetrist, but appeared to be offering photogrammetric services via her website. It was moved and seconded (Boyd/Aldridge) to close the case by issuing Andrea Laliberte a letter of concern about the wording on her Web site. The motion passed unanimously.

Case #2906 – Darren L. Weigart

Mr. Boyd summarized the LEC discussion concerning Darren L. Weigart who was a former Firwood Design Group employee. It was alleged that Weigart performed a survey and created a boundary survey map that was incomplete, lacked an official seal, and, in the performance of the survey, provided no right of entry notice to the Pentecostal Church of God, the neighboring land owner. AAG Lozano shared that no one in this particular case had a right of entry for none of them were employees or agents of a PLS pursuant to ORS 672.047. Mr. Boyd suggested that it might be worth placing an article regarding the statute in the Oregon Examiner. AAG Lozano added that it would not be such a bad idea to include information on how the statute is often misinterpreted and to clarify any misinterpretation. Mr. Boyd mentioned OAR 820-010-0621(2) regarding final documents as it applied to this case. AAG Lozano explained that former Board President, Sue Laszlo’s intent when revising OAR 820-010-0621 was to prevent any “incomplete/draft/preliminary” documents to be misinterpreted and/or misused as a final document. AAG Lozano further explained that during the August 13, 2015 LEC discussion, the LEC members found that the current rule is overly burdensome for registrants and that every document opened should not have to be marked as “draft” or “preliminary”. Mr. Van Dyke indicated that he didn’t necessary disagree with the writing of the rule but rather that he interpreted it differently than what appears to be the intent of the rule. AAG Lozano indicated that the Board could consider re-drafting the rule to further explain the position of the Board. Mr. Van Dyke added that one could argue that the requirement of official seals was created for this exact reason in the first place; to determine which documents were prepared and are final documents versus documents that are not. He also added that by stamping all other documents it accomplishes the very same intent which does not make much sense. Mr. Singh expressed that the rule could be interpreted very differently. President Kent reminded the Board that a discussion regarding OAR 820-010-0621(2)/820-025-0015 has been placed on the agenda and asked that it be tabled until then. It was moved and seconded (Boyd/Van Dyke) to close the case by sending a letter of concern to Darren L. Weigart regarding failure to mark a map preliminary. The motion passed unanimously.

Case #2921 – Greg B. Logan

Mr. Boyd briefly summarized the LEC discussion concerning Greg B. Logan who is not registered in Oregon as a professional engineer or professional land surveyor but is registered as a PLS in California and Idaho. Mr. Greg Logan also indicated on his LinkedIn page that he lives in Elkton, OR, lists civil engineering, and refers to his current employment as Douglas County Parks Department, Gregory B. Logan, PLS. He also shows Consulting Land Surveyor, Gregory B. Logan, PLS. Mr. Boyd further explained that a motion was made to issue a letter of concern; however, the vote was not unanimous. Mr. Van Dyke elaborated that on the LinkedIn Web site the information is aggregated and that through updating his LinkedIn page the different pieces of information were simply grouped together without his control over how they were organized specifically, so that he would not have had personal control over the implications that organization may have created. It was moved and seconded (Boyd/Van Dyke) to close the case by sending a letter of concern to Greg B. Logan regarding title use. The motion passed unanimously.

Case #2924 – Roland S. Allmon

Mr. Boyd briefly summarized the LEC discussion concerning Roland S. Allmon who filed 32 surveys and subdivision plats during the 1962 and 1963 period, eight of which had no filing date. Board records do not show Allmon as ever holding a registration to practice land surveying. Mr. Allmon was born in 1924 and died in 1996. It was moved and seconded (Boyd/Aldridge) to close the case by sending a notification letter to County Surveyors. The motion passed unanimously. Additionally, an article will be drafted for the Oregon Examiner.

The Board recessed at 1:30 p.m. for its Rules Hearing.

The Board reconvened at 1:35 p.m. It was moved and seconded (Kent/Wahab) to adopt, amend, and to amend & renumber the rules as listed below. The motion passed unanimously.

Adopt:

OAR 820-025-0001, 820-025-0010, 820-030-0080

Amend:

OAR 820-010-0505, 820-010-0510, 820-010-0520, 820-010-0635, 820-020-0005, and 820-050-0001

Amend and Renumber:

OAR 820-010-0620 to 820-025-0005
OAR 820-010-0621 to 820-025-0015
OAR 820-010-0622 to 820-025-0020
OAR 820-010-0623 to 820-025-0025

OAR 820-040-0005 will be heard again during the November 10, 2015 Rulemaking Hearing.

Case #2905 – Timothy Wolden

Mr. Boyd briefly summarized the status of the Final Order for Timothy Wolden, case #2905.

The Board exited public meeting pursuant to ORS 192.690(1) to deliberate on the exceptions to the Timothy Wolden Final Order. All members of the audience were asked to leave the room 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 while in private deliberations.

After a brief discussion, it was moved and seconded (Boyd/Van Dyke) to issue the Final Order as drafted by legal counsel to Timothy Wolden. The motion passed unanimously.

OAR 820-010-0621(2) / 820-025-0015

President Kent quoted OAR 820-010-0621(2) stating, “[*Documents that are not final documents must be marked as "preliminary", "not for construction", "review copy", "draft copy, subject to change", or with some similar wording to indicate that the documents are not intended to represent the final work product of the registrant.*]” He opined that the rule seems very broad and can be interpreted many different ways. Ms. Duquette added that she interpreted the rule as any outward documents. She further added that as a professional engineer she understands that a document is not final if it does not contain a seal, however, a consumer would not know that. AAG Lozano specified that this section of the rule was added by a prior board to ensure that all documents that would be final documents (as defined by statute and rule) when completed, would be marked as draft or preliminary until they were completed, so that if they ended up in the hands of a consumer before they were sealed and signed, a consumer would know that they were not yet complete – as consumers are not necessarily familiar with the registrant requirements to sign and seal final documents. While a number of options were discussed, the Board determined to forward it to the Rules and Regulations Committee for more discussion.

PROFESSIONAL PRACTICES COMMITTEE

Since Mr. Hoffine was excused from the Board meeting, Ms. Duquette summarized the discussion held during the August 14, 2015 meeting of the PPC as contained in the PPC minutes (**Item 9: Professional Practices Meeting Minutes of August 14, 2015**). There was no further discussion.

RULES AND REGULATIONS COMMITTEE

Since Mr. Hoffine was excused from the Board meeting, President Kent reported that the RRC met on August 14, 2015 and discussed the matters contained in the Committee minutes (**Item 10: Rules and Regulations Committee Meeting Minutes of August 14, 2015**). There was no further discussion.

UNFINISHED BUSINESS

Mr. Boyd addressed Ms. Merlo’s invitation to members interested in being a part of the Portland Bureau of Emergency Management Unreinforced Masonry Buildings Policy Committee. AAG Lozano interjected that if any Board members are interested that they allow her to look into the state buildings codes before attending. Ms. Duquette shared that she is the engineer working on the database Ms. Merlo referred to in her presentation and that she would be happy to share any updates to interested Board members. There was no further discussion.

NEW BUSINESS

Staff briefly explained the grace period process for individuals who do not complete their required PDH by their renewal date. AAG Lozano further explained that there are several individuals who have been granted grace periods who have not complied by their given deadline. She informed the Board that there are a host of options to consider regarding how they would like to move forward with individuals who do not comply by the grace period deadline given. The first option would be to issue a Notice of Refusal to Renew their registration. A second option would be to issue a Notice to Suspend their registration. This would suspend their registration until they complete their missing PDH or for however long the Board determines is reasonable and appropriate. A third option would be to assess a civil penalty for failing to complete their required, or a combination of any of those options. Mr. Singh inquired how long the grace period is and if it would be beneficial to minimize it. Staff responded that, if approved in compliance with OAR 820-015-0026(3), a one year grace period is granted. Mr. Aldridge reiterated that these individuals are now out of compliance. AAG Lozano informed the Board that ORS 183.430 allows individuals who are granted a grace period to continue to practice until they complete their missing PDH or a Final Order of suspension or refusal to renew is issued. While a number of options were discussed, it was moved and seconded (Kent/Van Dyke) that the OSBEELS Account Specialists issue Notices of Intent to Suspend registration until the deficient PDH are completed and a \$500.00 fine to individuals who do not comply by the grace period deadline given. The option to request an informal hearing to resolve matters will also be given to the respondent and considered by EQC. The right to a hearing is still preserved if the matter is not settled during an informal hearing. The motion passed unanimously.

Staff wondered what would happen in the event that, after a Final Order of Suspension on one of these cases is issued, an individual does not complete the PDH that would allow reinstatement. In other words, how long can an individual remain in the suspended status? President Kent inquired if a registrant could be considered expired after a period of five years in the suspended status. AAG Lozano specified that she would do further research. President Kent also asked that legal counsel look into what other possible options the Board has regarding OAR 820-010-0505.

AAG Lozano inquired if the Board wished to discuss setting a limit to the amount of grace periods one individual may be granted. President Kent indicated that while legal counsel looks into the Board's options regarding OAR 820-010-0505, that any additional information assisting the Board in determining a grace period limit also be included in her research. Ms. Duquette suggested that it would be beneficial to know the percentages of how many individuals apply for a grace period and how many of those individuals who are granted a grace period complies. There was no further discussion.

BOARD MEMBER COMMENTS

There were no Board member comments.

ADJOURN

The meeting was adjourned at 3:43 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.

NEXT MEETING

Tuesday, November 10, 2015 at 9:00 a.m.



Oregon

State Board of Examiners for Engineering and Land Surveying

Consent Agenda

September 8, 2015 Board Meeting

The following consent agenda is presented for the September 8, 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 September 8, 2015 Board agenda.	<u>Motion/Second</u> (Duquette/Aldridge)
2	Approval of the July 14, 2015 Board meeting minutes.	<u>Motion/Second</u> (Duquette/Aldridge)
3	Approval of the August 14, 2015 Special Board meeting minutes.	<u>Motion/Second</u> (Duquette/Aldridge)
4	Approval of the August 14, 2015 Examinations and Qualifications Committee meeting minutes.	<u>Motion/Second</u> (Duquette/Aldridge)
5	Approval of the August 14, 2015 Oregon Specific Task Force meeting minutes.	<u>Motion/Second</u> (Duquette/Aldridge)
6	Approval of the August 14, 2015 External Relations Committee meeting minutes.	<u>Motion/Second</u> (Duquette/Aldridge)
7	Approval of the August 14, 2015 Finance Committee meeting minutes.	<u>Motion/Second</u> (Duquette/Aldridge)
8	Approval of the August 13, 2015 Law Enforcement Committee meeting minutes.	Hoffine pulled. <u>Approved;</u> <u>Motion/Second</u> (Boyd/Duquette)
9	Approval of the August 14, 2015 Professional Practices Committee meeting minutes.	<u>Motion/Second</u> (Duquette/Aldridge)
10	Approval of the August 14, 2015 Rules & Regulations Committee meeting minutes.	<u>Motion/Second</u> (Duquette/Aldridge)



Oregon State Board of Examiners for Engineering and Land Surveying

Consent Agenda

Examinations & Qualifications September 8, 2015 Meeting

The following consent agenda is presented for the September 8, 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 Allan Bias' application for an electrical PE registration by comity (<i>former</i> OAR 820-010-0200).	<u>Motion/Second</u> (Aldridge /Wahab)
2	Vacate Marcus Baba's FE exam results (<i>former</i> OAR 820-010-0225(7)).	<u>Motion/Second</u> (Aldridge /Wahab)
3	Vacate Tyler Brooks' FE exam results (<i>former</i> OAR 820-010-0225(7)).	<u>Motion/Second</u> (Aldridge /Wahab)
4	Vacate James Cutler's FE exam results (<i>former</i> OAR 820-010-0225(7)).	<u>Motion/Second</u> (Aldridge /Wahab)
5	Vacate Emily Heleva-Ponaski's FE exam results (<i>former</i> OAR 820-010-0225(7)).	<u>Motion/Second</u> (Aldridge /Wahab)
6	Vacate Vu Huynh's FE exam results (<i>former</i> OAR 820-010-0225(7)).	<u>Motion/Second</u> (Aldridge /Wahab)
7	Vacate Erik Lasher's FE exam results (<i>former</i> OAR 820-010-0225(7)).	<u>Motion/Second</u> (Aldridge /Wahab)
8	Vacate Brian Pearson's FE exam results (<i>former</i> OAR 820-010-0225(7)).	<u>Motion/Second</u> (Aldridge /Wahab)
9	Vacate Cooper Scarbrough's FE exam results (<i>former</i> OAR 820-010-0225(7)).	<u>Motion/Second</u> (Aldridge /Wahab)
10	Vacate Will Steinhauff's FE exam results (<i>former</i> OAR 820-010-0225(7)).	<u>Motion/Second</u> (Aldridge /Wahab)
11	Vacate Canghao Xie's FE exam results (<i>former</i> OAR 820-010-0225(7)).	<u>Motion/Second</u> (Aldridge /Wahab)
12	Vacate Brandon Zebarth's FE exam results (<i>former</i> OAR 820-010-0225(7)).	<u>Motion/Second</u> (Aldridge /Wahab)
13	Vacate Nicolas Wilson's FE exam results (<i>former</i> OAR 820-010-0225(7)).	<u>Motion/Second</u> (Aldridge /Wahab)



Consent Agenda

Item #	In the matter of:	Action:
14	Approve Roopinderjit Bath's application for a mechanical PE registration by comity (ORS 672.060).	<u>Motion/Second</u> <u>(Aldridge /Wahab)</u>
15	Deny Brian Dobson-Totten's request for a waiver of references (<i>former</i> OAR 820-010-0212(1)(c)(C)).	<u>Motion/Second</u> <u>(Aldridge /Wahab)</u>
16	Approve Hatem Harraz's application for a chemical PE registration by comity (<i>former</i> OAR 820-010-0225(2)(d)).	<u>Motion/Second</u> <u>(Aldridge /Wahab)</u>
17	Deny Michael Lambert's application for an agricultural PE registration by comity (ORS 672.148(1)(d)).	<u>Motion/Second</u> <u>(Aldridge /Wahab)</u>
18	Approve Pete Shack's application for a civil PE registration by comity (<i>former</i> OAR 820-010-0200).	<u>Motion/Second</u> <u>(Aldridge /Wahab)</u>
19	Approve Suk Hwan Hong's application for a civil PE registration by 1 st registration (<i>former</i> OAR 820-010-0227(2) and (5)).	<u>Motion/Second</u> <u>(Aldridge /Wahab)</u>
20	Approve Bongrae Kim's application for a civil PE registration by 1 st registration (<i>former</i> OAR 820-010-0227(2) and (5)).	<u>Motion/Second</u> <u>(Aldridge /Wahab)</u>
21	Approve Sunki Lee's application for a civil PE registration by 1 st registration (<i>former</i> OAR 820-010-0227(2) and (5)).	<u>Motion/Second</u> <u>(Aldridge /Wahab)</u>
22	Approve Default Final Order for Ei'd Al-Helal.	<u>Motion/Second</u> <u>(Aldridge /Wahab)</u>
23	Approve Default Final Order for Jonathan Carlton.	<u>Motion/Second</u> <u>(Aldridge /Wahab)</u>
24	Approve Default Final Order for Brian Clayton.	<u>Motion/Second</u> <u>(Aldridge /Wahab)</u>
25	Approve Default Final Order for Michael Hendrix.	<u>Motion/Second</u> <u>(Aldridge /Wahab)</u>
26	Approve Default Final Order for Ryan Pantier.	<u>Motion/Second</u> <u>(Aldridge /Wahab)</u>
27	Approve Default Final Order for Clare Paul.	<u>Motion/Second</u> <u>(Aldridge /Wahab)</u>
28	Approve Default Final Order for Paul Singer.	<u>Motion/Second</u> <u>(Aldridge /Wahab)</u>
29	Approve Default Final Order for Yu-Yui Wu.	<u>Motion/Second</u> <u>(Aldridge /Wahab)</u>



Oregon

State Board of Examiners for Engineering and Land Surveying

Consent Agenda

Oregon Specific Examination Task Force *September 8, 2015 Meeting*

The following consent agenda is presented for the September 8, 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 Statement of Compliance.	<u>Pulled by Zuniga</u>
2	Approve staff procuring a cabinet to house examination questions and begin utilizing the State Data Center.	<u>Pulled by Kent</u>



Oregon

State Board of Examiners for Engineering and Land Surveying

Consent Agenda

Law Enforcement Consent Calendar September 9, 2015 Board Meeting

Enforcement Case Action Items: The Committee discussed the following cases during the meeting on August 13, 2015, and made the following recommendations:

Case No.	Respondent	Allegation	LEC Recommendation	Action
2879	ANDREA LALIBERTE	offering photogrammetric mapping services without registration	Letter of concern regarding wording on Web site	<u>Pulled by Boyd</u> <u>Approved;</u> <u>Motion/Second</u> <u>(Boyd/Aldridge)</u>
2906	DARREN L. WEIGART	Failure to seal a final document; survey map was incomplete and had very poor boundary resolution; failure to provide proper notice for right to enter property.	Letter of concern regarding failure to mark a map "preliminary"	<u>Pulled by Boyd</u> <u>Approved;</u> <u>Motion/Second</u> <u>(Boyd/Van Dyke)</u>
2921	GREG B LOGAN	Use of title when not registered as a professional land surveyor in Oregon.	Letter of concern regarding indicating state of registration on LinkedIn page	<u>Pulled by Boyd</u> <u>Approved;</u> <u>Motion/Second</u> <u>(Boyd/Van Dyke)</u>
2924	ROLAND S ALLMON	unlicensed practice of land surveying	Letter to County Surveyors regarding filed surveys by an unlicensed person (deceased) in Deschutes County	<u>Pulled by Boyd</u> <u>Approved;</u> <u>Motion/Second</u> <u>(Boyd/Aldridge)</u>

Additional Action Item: The Committee discussed the following matter and made a recommendation as shown.

Item #	In the matter of:	Action:
1	#2905 – Timothy Wolden: Recommend approval of Final Order	<u>Pulled by Boyd</u> <u>Approved;</u> <u>Motion/Second</u> <u>(Kent/Wahab)</u>