



Oregon

**State Board of Examiners for
Engineering & Land Surveying**

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PROFESSIONAL PRACTICES COMMITTEE

Minutes of Meeting

April 11, 2014

Members present:

Sue Newstetter, Chair

Shelly Duquette

Anne Hillyer

Staff present:

Mari Lopez, Administrator

Jenn Gilbert, Executive Assistant

Joy Pariente

Others present:

Warren Foote, Assistant Attorney General

Ken Hoffine (Observer)

Bob Neathamer (Observer)

The meeting of the Professional Practices Committee (PPC) was called to order at 1:38 p.m. in the OSBEELS Conference Room at 670 Hawthorne Avenue SE, Suite 220 Salem, OR 97301.

Public Comment

There were no public comments.

Unfinished Business

Software Engineering

The Committee reviewed correspondence against adopting software engineering as a discipline from Carl Zietz, PE, Timothy J. Oliver, PE, and Alan Heiman, PE. Ms. Lopez noted that she is planning on attending the upcoming Professional Engineers of Oregon (PEO) conference in May to observe the scheduled panel regarding software engineering. She said she would ask the conference coordinator if she could record audio during the panel to share with the Board. Ms. Duquette and Ms. Hillyer also expressed interest in attending the discussion. There was no further discussion.

Filing of Boundary Line Adjustment Map

AAG Lozano is drafting advice on this topic, which will be addressed during the June Committee meeting. There was no additional discussion.

[Mission, Functions and Goals](#)

The Committee noted that the following goals had been completed:

- Increase the length of meeting time
- Develop a timeframe for individuals to submit inquiries for review
- Develop a policy for the types of questions the Committee can consider – actual vs. hypothetical
- Create a submittal form for the inquiries to be considered by the Committee

Ms. Newsletter noted that the Mission, Functions and Goals statement helps new Board members learn about the role of the Committee. Ms. Duquette added that the statement helps the Committee members stay on track when addressing questions from registered professionals or the public. The Committee determined to add a goal pertaining to the continuation of scheduling the PPC meeting as the last meeting of the day because it allows adequate time to fully discuss the complex questions submitted. After discussion, the Committee recommends the Board approve the Mission, Functions and Goals statement, as amended. There was no further discussion.

New Business

Contractor provided Traffic Control Plans (TCPs) – Eva Huntsinger

Ms. Huntsinger asked if a professional engineer's stamp is required on a TCP provided by a contractor for approval by a local jurisdiction and if the contractor is not a registrant, what authority does OSBEELS have to require a contractor to only submit stamped TCPs. Ms. Huntsinger's Question Form noted that by contract specification, the contractor must comply with the Manual on Uniform Traffic Control Devices (MUTCD) and Oregon Department of Transportation's (ODOT) Sign Policy and Guidelines Manual and the ODOT Temporary Control Handbook. Therefore, she wasn't sure of the necessity of having an engineer stamp these documents, as all the information needed in the TCPs is detailed in these guidelines. Ms. Duquette pointed out that the guidelines do contain details on the standards required, but the designer needs engineering knowledge to know when and where to apply those standards. Ms. Duquette also noted that the specifications in these guidelines state that the TCPs need to be stamped by an engineer. Therefore, the Committee determined that a professional engineer's stamp is required on TCPs and submission of a TCP without a stamp could be considered the unlicensed practice of engineering, which is regulated by OSBEELS. Staff was directed to respond to Ms. Huntsinger's inquiry. There was no further discussion.

Signing of record drawings – Nathaniel Schroeder

Mr. Schroeder's Question Form stated that his firm was asked to sign the record drawings for a project where the engineer of record was not regularly in the field during construction. He asked if being consulted periodically by the field inspector and performing the final walkthrough were enough control over the work to allow for signing of the record documents. He also asked how his firm should handle changes directed by the client during construction that the engineer of record doesn't agree with. The Committee discussed the fact that rules governing engineering do not require construction oversight of projects. Ms. Lopez noted that this was an issue discussed previously with the Oregon Board of Architect Examiners (OBAE) while drafting a rule on modifying designs and documents created by other design professionals. OBAE's rules require the architect to have continuous oversight of projects from start to finish and engineers do not have a similar requirement. Ms. Duquette noted that, regardless of OSBEELS requirements, the Oregon State Specialty Code requires projects on private properties to have oversight from a

registered design professional. OSBEELS requires sealing documents in which the PE has supervision and control.

Ms. Newstetter said she thought involving other civil engineer Board members would be beneficial to this discussion. **The Committee determined to bring this issue to the full Board for discussion during the May meeting.** There was no further discussion.

Engineers stamping and signing final work – Gary Nielson

Mr. Nielson's Question Form requested the Committee advise his agency on how to address the issue of engineers stamping their work and to what extent. In the example given, the engineer of record performed gravity and lateral force calculations and stamped and signed only the calculations. The engineer of record said he did not provide any drawings and did not want to sign someone else's drawings. The roof for the residence in question is trussed and the truss supplier submitted stamped and signed calculations and a layout. The walls for the residence are structural insulated panels and the supplier's engineer stamped and signed these calculations and a shop drawing with hold-downs, which was included in the submittal. However, the construction drawings are not stamped or signed. Mr. Nielson points out that the project could not be built solely based on the engineer of record's calculations and the construction drawings are the documents that show the placement of the calculated hold-downs at the foundation plan and main floor plan shear walls. Mr. Nielson's questions are how to address projects presented in this manner and if the designer is practicing engineering by transferring the engineer of record's design calculations to a set of plans.

Ms. Duquette pointed out that this situation is dealing with a residential structure, which is exempt. However, she said the correct choice was made by the engineer of record in only stamping and signing documents that he personally created or directly supervised the creation of. Ms. Duquette said she understands the discomfort of Mr. Nielson's agency regarding unstamped plans, but plans for residential structures don't require the design to be completed by an engineer and documents generated by an unlicensed designer don't have a stamp. However, if the plans for a residential structure are designed by a PE, it must be sealed as the exemption does not apply to PEs (ORS 672.020(10)). The Committee also determined that this activity meets the intent of ORS 672.020. Additionally, the Committee agreed that the designer was not practicing engineering when he incorporated the engineer of record's calculations into the plans because transcribing calculations properly prepared by a registered engineer is not considered the practice of engineering. Staff was directed to respond to Mr. Nielson's inquiry. There was no further discussion.

Digital signing of electronic documents with multiple drawings within – Matthew Sprick

Mr. Sprick's Question Form requested clarification regarding the digital signing of electronic documents containing multiple drawings. The question revolved around whether an engineer would be required to affix his digital signature to each page of a multi-page PDF binder or packet. He said he believed using a digital signature on the first page of the document would still fulfill the requirements for sealing final documents as prescribed in OAR 820-010-0621.

Ms. Duquette noted that the index page of calculations or a design book may be wet signed without requiring a signature on subsequent pages, but all pages of a plan set must be wet signed – and the same should apply to digital signatures. **The Committee determined to bring this question to the full Board for discussion during the May meeting.** There was no further discussion.

Professional land surveyors and the authority to administer/certify oaths – Dean Coon

Mr. Coon emailed the Board office with a question about land surveyors administering oaths to property owners. He asked if Oregon grants land surveyors the authority to administer oaths to property owners regarding monuments when gathering evidence for locating boundaries. He said this practice is used to gather parcel evidence from knowledgeable property owners. Ms. Newstetter noted that ORS 209.100 and 209.200 address oaths, but these statutes only apply to county surveyors. She added that the Bureau of Land Management manual also addresses oaths, but surveyors in Oregon are only required to reference the manual when performing resurveys of federal surveys. Ultimately, the Committee determined that only county surveyors are statutorily permitted to administer oaths to property owners. Staff was directed to respond to Mr. Coon's inquiry. There was no further discussion.

PE stamp of structural as-built drawings – Luke Scoggins

Mr. Scoggins' Question Form addressed as-built drawings. His form explained that he recently completed a reservoir project and the authority having jurisdiction requested submittal of as-built drawings with the stamp and signature of the engineer responsible for the design. His opinion was that, since the engineer who designed the project isn't in responsible charge of the work related to the as-built documentation, they shouldn't seal the documents and county agencies should not be requesting they do so. **The Committee determined to bring this question, along with Mr. Schroeder's question referenced above, to the full Board for discussion during the May meeting.** There was no further discussion.

Biddle/McAndrews and Sanitary Sewer – Larry Beskow

Mr. Beskow, with the City of Medford, emailed the Board office with another question about as-built drawings. Mr. Beskow insists that all final documents must be stamped and signed; however, the as-builts for a recent project completed by HBH Consulting Engineers, the Biddle/McAndrews and Sanitary Sewer project, were not. When he requested the company seal these documents, the company president, Michael D. Henry, PE, refused, as he was not in responsible charge of the project and the engineer who originally designed the project, Bradley Crement, PE, was no longer employed by the company. Mr. Henry said that Mr. Crement was the design engineer, Mike Arneson, PE Northwind, reviewed the project as the project manager, the City of Medford provided construction observation and John Pariani, PLS, conducted the as-built survey. HBH did not "provide independent verification of the changes reported by Pariani and approved by your (City of Medford) office." Mr. Henry held that, while the reported changes were fairly minor, he "did not design, review design or approve construction changes" related to the Biddle/McAndrews and Sanitary Sewer project and, therefore, would not affix his seal to the as-builts. **The Committee determined to bring this question, along with Mr. Schroeder and Mr. Scoggins' questions to the full Board for discussion during the May meeting.** There was no further discussion.

Engineering grading permit plans and Landscape Architect stamp – Kofi Nelson

Mr. Nelson, with Washington County Building Services, had questions regarding site grading work for subdivision, driveways and other engineering-related work. He noted that the Reference Manual for Building Officials only references site grading and drainage, and site grading compatible with the intended land use as the only types of grading work regulated by Building Services. He asked if the Building Services approach requiring an engineer's stamp and signature on all design documentation submitted for projects relating to the two grading

practices above is appropriate and if a registered landscape architect can prepare, stamp and sign the above documentation without the involvement of an engineer.

To the first question, the Committee determined that, yes, requiring the stamp of an engineer for site grading and drainage, and site grading compatible with the intended land use was an appropriate requirement, as those tasks fall under the practice of engineering, as defined in ORS 672.020. As for the second question, the Committee determined that OSBEELS could not make a determination on allowances for landscape architects, as it does not have authority over that practice or profession. Staff was directed to respond to Mr. Nelson's inquiry. The Committee suggested providing the contact information for the Landscape Architect Board in the response. Ms. Lopez said she would work with Christine Valentine, administrator for the Landscape Architect Board, when drafting the response. The Committee also requested Staff look in to the possibility of practice overlaps between engineering and landscape architecture. There was no further discussion.

Staff Update: Upon further communication with OSLAB, it was discovered that the same questions were posed to OSLAB. The OSLAB position is that the work described can be completed by a registered landscape architect. It was also noted that the work in question falls within the scope of practice for a registered landscape architect (ORS 671.310 and 671.321(2)). The OSLAB response also included an exemption in the OSLAB statutes for engineering under ORS 671.321(1)(b), and recognized the substantial overlap in the work that can be done by a registered landscape architect and a registered professional engineer.

OSBGE guidance documents

The Committee reviewed additional practice guidelines drafted by the Oregon State Board of Geologist Examiners (OSBGE) to ensure accuracy regarding areas of practice overlap. Staff were directed to send the second drafts of the initial guidance documents and the additional documents to Board member Jason Kent and Joint Compliance Committee member John Seward for review from the hydrologic and geotechnical engineering perspectives. The Committee requested the review be completed prior to the May Board meeting to **allow the full Board to review and discuss these guidelines additionally**. There was no further discussion.

Reference Manual for Building Officials

The Committee noted a few errors that would need correcting. One key area of concern was the point #38 pertaining to a registered architect performing design work on a significant structure. Ms. Duquette requested the answer provided be clarified to explain that a registered architect may work on portions of a significant structure, if they are qualified by experience, training and knowledge, but the primary structural frame must be designed, stamped and signed by a registered structural engineer, as per ORS 672.107. Ms. Duquette volunteered to draft language clarifying point #38.

Another area of concern was digital and electronic signatures. OBAE allows digital signatures or electronic signatures for final documents. Electronic signatures are any electronic replica of a signature being placed on digital plans. However, OSBEELS only allows digital signatures and the digital signatures must meet specific criteria, as prescribed in OAR 820-010-0620(5). The Committee requested that OBAE allows for separate answers for each agency for this question to avoid confusion. There was no further discussion.

The meeting adjourned at 3:20 p.m.