Oregon

State Board of Examiners for
Engineering & Land Surveying
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PROFESSIONAL PRACTICES COMMITTEE
Minutes of Meeting
June 13, 2014

Members present:
Sue Newstetter, Chair
Shelly Duquette
Anne Hillyer

Staff present:
Mari Lopez, Administrator
Jenn Gilbert, Executive Assistant

Others present:
Katharine Lozano, Assistant Attorney General
Ken Hoffine (Observer)

The meeting of the Professional Practices Committee (PPC) was called to order at 2:19 p.m. in the OSBEELS Conference Room at 670 Hawthorne Avenue SE, Suite 220 Salem, OR 97301.

Public Comment
There was no public comment.

Unfinished Business
Filing of Boundary Line Adjustment Map
Ms. Newstetter submitted a question regarding OAR 820-030-0060 and ORS 209.250 during the December 2013 meeting. As a result, the Committee requested AAG Lozano to research the matter and provide advice.
The Committee exited its public meeting pursuant to ORS 192.660(2)(f) to review records exempt from public inspection. All members of the audience were asked to leave the room for these deliberations and were invited to return upon resumption of the public meeting. Upon returning to public meeting, it was noted that no decisions were made and no votes were taken.
Since this advice will also have an impact on the matters brought to the Law Enforcement Committee (LEC), a joint meeting of the PPC and the LEC will be scheduled for after the July Board meeting.

Staff update: Rather than hold a joint LEC/PPC meeting, this topic will be placed under New Business on the July Board agenda. The Board may go into Executive Session based on the confidential nature of legal advice (ORS 192.660(1)(f)).

Digital signing of electronic documents with multiple drawings within
A question regarding the digital signing of electronic documents containing multiple drawings was presented to the Committee in April and again discussed during the May Board meeting. A possible rule change was suggested. However, due to the discussion held in May, the PPC members preferred the topic to be addressed by the Digital Signatures Task Force Committee.

The members appointed to the Digital Signatures Task Force Committee are William Boyd, Jason Kent, and Ron Singh. A time should be determined in July for a meeting to be held during the August committee schedule.

New Business
ORS 672.025(3)
Gerry Pappe submitted the Question Form asking if a professional engineer can prepare a public conveyance legal description with a perceived boundary establishment. Mr. Pappe is the City Surveyor for the City of Salem and summarized his review of a proposed legal description for a proposed new public drainage easement. He noted that the legal description was prepared and stamped by a professional engineer that is not also licensed as a professional land surveyor in the state of Oregon. After a brief discussion, the Committee noted that this work falls within the definition of the practice of land surveying as contained in ORS 672.005(2)(c). Staff was directed to respond to Mr. Pappe. There was no further discussion.

Foreign engineers in Oregon
Jeff O'Neal emailed the Board office with questions about design work, responsible charge, and placing professional seals on designs. In one scenario, he describes equipment and systems designed by individuals not licensed in Oregon, which are incorporated into the overall design, with the final product sealed by an Oregon registrant. Another scenario describes an engineer who is currently licensed in Washington, working under Mr. O'Neal's responsible charge and is simultaneously working towards licensure in Oregon by comity. After discussion, the Committee did not see any issues with the scenarios, but directed staff to reiterate the requirements for responsible charge, supervision and control, and the requirements to seal final documents. There was no further discussion.

Licensing questions
Barbara Seethoff, with the Office of Minority, Women, and Emerging Small Business (OMWESB), inquired if a professional engineer license is needed for a business owner applying for certification with the OMWESB program as certification in OMWESB programs require current licensing. Ms. Seethoff noted that the Construction Contractors Board (CCB) would also be contacted for licensing information. After reviewing the information on commodities the business owner seeks in the OMWESB certification and the website address provided, the Committee agreed that a professional engineering license is required. Staff was directed to respond to Ms. Seethoff and refer her to ORS 672.005(1)(a)-(f), OAR 820-0100-0715, and OAR 820-010-0720.

The Committee also gave appreciation for Ms. Seethoff's communication efforts and noted that this is a result of mutual cooperation between the agencies.

Barge mounted buildings

Thomas Harding, is a Chief engineer for Parkline, Inc., a metal building manufacturer located in West Virginia and emailed the Board about barge mounted buildings. He wrote that, in addition to their large structural framed buildings, Butler Manufacturing sells a small building line, which is actually manufactured by Parkline, Inc. Mr. Harding inquired whether it is permissible for Butler's engineers to sign and seal building submittal packages for buildings that are to be sited on a barge. He noted that since these buildings are floating on water, the loading and seismic design considerations may differ from those built on land. After discussion, the members agreed that a professional engineer registered in Oregon may sign and seal the building submittal packages, if the work falls within the registrant's area of competence. Pursuant to ORS 672.020(2), the signature and stamp of the registrant constitutes certification that the document was prepared by the registrant or under the supervision and control of the registrant. Staff was directed to respond to Mr. Harding. There was no further discussion.

Engineering as it applies to Federal SPCC requirements

Christine Moran submitted the Question Form asking about the preparation of a Federal SPCC Plan and if it was considered the practice of engineering in the state of Oregon.

The Committee exited its public meeting pursuant to ORS 192.660(2)(f) to review records exempt from public inspection. All members of the audience were asked to leave the room for these deliberations and were invited to return upon resumption of the public meeting. Upon returning to public meeting, it was noted that no decisions were made and no votes were taken.

The members had additional questions before any determination could be made. As a result, staff was directed to request Ms. Moran submit clarifying details about where the Federal SPCC plans are being prepared, for whom the plans are being prepared, and who owns the property of the site. If more information is provided, additional discussion will occur in August.

Reference Manual for Building Officials

With prior legislative efforts, AAG Lozano pointed out that "design professional," as used in the Reference Manual for Building Officials, may not always refer to only engineers and architects. As a result, the Committee briefly reviewed the context in which the term is used to consider if any changes were needed. Additionally, the Complaint Process for OSBEELS will be revised. Staff will incorporate necessary revisions for final review and comment by OSBEELS during the July Board meeting. There was no further discussion.

The meeting adjourned at 3:27 p.m.