



Oregon

STATE BOARD OF EXAMINERS
FOR ENGINEERING &
LAND SURVEYING

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PROFESSIONAL PRACTICES COMMITTEE

Minutes of Meeting
October 10, 2014

Members present:

Ken Hoffine, Chair
Steven Burger
Shelly Duquette

Members absent:

Oscar Zuniga (excused)

Staff present:

Mari Lopez, Board Administrator
Jenn Gilbert, Executive Assistant
Adaira Floyd, Social and Communications Media Specialist

Others present:

Katharine Lozano, Assistant Attorney General
Susan Newstetter (observer)

The meeting of the Professional Practices Committee was called to order at 1:17 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

Signatures on Final Documents: Brought to the Committee by Shelly Duquette

Ms. Duquette submitted a question which asked if original wet stamped drawings are required when drawings are submitted for review for permit to a jurisdiction or if it is acceptable to submit PDF copies of the original stamped drawings. Ms. Duquette also asked the Committee a question regarding each sheet being individually signed in an electronically signed document. Ms. Duquette expressed concern for the following example: when someone takes their stamp, signs it, scans their stamp and digitally “pastes” it onto drawings. The Committee agreed that this example is *not* compliant with OAR 820-010-0620(4). Ms. Duquette suggested this to be clarified in the rule as there may be some confusion in the industry. AAG Lozano noted that rule

revisions are currently underway. AAG Lozano will draft language for proposed rules for consideration during the November Board Meeting.

New Business

Engineering Practice Question: Brought to the Committee by James Chabot

Mr. Chabot submitted a question to the Committee in reference to a statement on the Construction Contractor's Board website, which he indicated states, "Licensed engineers, architects, water well contractors, sewage system installers, property managers, real estate managers/agents, and landscaping business, when operating within the scope of those licenses [may] not be required to be licensed with the Construction Contractor's Board." Mr. Chabot asked the Committee to clarify what constitutes as "operating within the scope of those licenses" for a design build case. Mr. Chabot noted he would like to know if a licensed PE is able to hire contractors and act as a Construction Manager on behalf of a client without being required to obtain an additional Contractor's License from the Construction Contractor's Board based on the statement he provided from the Construction Contractor's Board website. The Committee determined to send Mr. Chabot a copy of ORS 672.005 and also refer Mr. Chabot to the Construction Contractor's Board for interpretation of their statutes.

Survey Markers: Brought to the Committee by Jerry Anderson

Mr. Anderson submitted a question asking if ORS 209.250 (or any other statute) prohibits additional information on a survey marker. Mr. Anderson also noted that he routinely does work in Oregon and Washington and is considering purchasing two different caps from professionals in those states. The Committee requested AAG Lozano to conduct further review of ORS 209.250 and its reference to the Bureau of Land Management (BLM) Manual.

SPCC Plans: Brought to the Committee by Nicholas Amann

Mr. Amann submitted a question to the Committee asking if Oregon allows self-certification for Spill Prevention, Control, and Countermeasure (SPCC) plans or if certification from a Professional Engineer is required. Mr. Amann also provided the Spill Prevention, Control, and Countermeasure (SPCC) Rule from the United States Environmental Protection Agency's Office of Solid Waste and Emergency Response dated May 2011 from www.epa.gov/emergencies. The Committee noted that the question seems to involve conduct that includes, but is broader than what OSBEELS regulates. The Committee suggests that if Mr. Amann has a complaint he'd like to submit for investigation, he should submit a completed complaint form – otherwise the Committee is not able to answer the question, as it is on a case-by-case basis. Ms. Lopez noted that this question and/or similar questions are asked often and she suggested the Committee consider providing clear guidance at some point. AAG Lozano suggested that a copy of ORS 672.005 be provided to Mr. Amann as well.

Stamping Drawings and Calculations: Brought to the Committee by Amit Kumar

Mr. Kumar submitted a question to the Committee asking under what is considered to be a "bound document" in OAR 820-010-0621. Mr. Kumar expressed a need for clarity, as he suggested OAR 820-010-0621 may be easily interpreted to indicate that every calculation sheet would need to be stamped, which he expressed is different than what he interprets in the OSBEELS/OBAE Reference Manual for Building Officials, as only requiring the front page of a set of bound drawings to be stamped. Ms. Duquette referred to OAR 820-010-0621, which states

that all final documents must be sealed by the engineer of record. Ms. Duquette also provided her input on how the industry has evolved and a need to clarify the matter more clearly in rule for digital signatures and wet signatures. Staff was directed to respond to Mr. Kumar acknowledging the question and explaining that these issues are currently not addressed in rule but there are rule revisions currently underway.

Professional Seal (Engineer) Requirements: Brought to the Committee by Margie Sollinger

In conjunction with Mr. Kumar's submission regarding stamping drawings and calculations, Ms. Sollinger submitted a question specifically relating to an example/specific scenario – asking if the scenario meets the requirements and if it is considered a “bound” document under OAR 820-010-0621. Ms. Sollinger also asked what constitutes a “final document” in the context of the scenario provided, relating to ORS 672.020 OSBEELS definition of “final document.” Additionally, Ms. Sollinger asked if the package as a whole (meaning one stamp) would suffice or if each page of the package (every page of drawings and calculations) would need a separate stamp. Staff was directed to respond to Ms. Sollinger acknowledging the question and explaining that these issues are currently not addressed in rule but there are rule revisions currently underway.

Structural License Requirement: Brought to the Committee by Tom Rogers

Mr. Rogers submitted a question asking if the registered professional engineer of record for the overall design is a structural engineer, is a structural license also required for engineers designing structural components (such as structural insulated panels and roof trusses). Mr. Rogers also inquired if a structural license required for design of seismic connections (for mechanical plumbing, fire sprinklers, etc.) in accordance to ORS 672.107 Structural Engineer registration for performing engineering services on significant structures. Ms. Duquette noted that the answer to this question can be found in OAR 820-040-0020, which provides information regarding structural engineering services for significant structures as referred to in ORS 672.107.

Locating and Marking-up Existing Monuments: Brought to the Committee by James Snow

Mr. Snow submitted a question to the Committee where an example was provided and asked if it would be considered a violation of ORS 209.250 or any other rules. The Committee briefly discussed the information provided and decided to refer the matter to the Law Enforcement Committee for input before providing an answer.

Responsible Charge: Brought to the Committee by Donald Porior

Mr. Porior submitted a question for Committee review where he asked if a paid consultant could be in responsible charge (in accordance with OAR 820-010-0010 (5) and (6)) of an employee within an organization (specifically a Watershed Association). After some discussion, the Committee directed staff to respond to Mr. Porior and inform him that based on what he had described, nothing in OSBEELS rules require the engineer in responsible charge (in accordance with OAR 820-010-0010) to be the employer of the individual being supervised.

The meeting adjourned at 2:04 p.m.