



# Oregon

STATE BOARD OF EXAMINERS  
FOR ENGINEERING &  
LAND SURVEYING

670 Hawthorne Ave. SE, Suite 220  
Salem, OR 97301  
(503) 362-2666  
Fax (503) 362-5454  
E-mail: osbeels@osbeels.org

## PROFESSIONAL PRACTICES COMMITTEE

Minutes of Meeting  
October 9, 2015

### Members present:

Ken Hoffine, Chair  
Chris Aldridge  
Shelly Duquette  
Oscar Zuniga

### Staff present:

Mari Lopez, Board Administrator  
Jenn Gilbert, Executive Assistant  
Jennifer O'Neill, Social and Communications Media Specialist  
James R. (JR) Wilkinson, Investigator

### Others present:

Katharine Lozano, Assistant Attorney General  
Logan Miles (observer)

The meeting of the Professional Practices Committee (PPC) was called to order at 1:25 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**

#### LEC referral regarding Franchise Utilities

The Law Enforcement Committee (LEC) recommended during its June 11, 2015 meeting that the PPC discuss franchise utilities working in the public right-of-way and the exemptions contained in Oregon Revised Statute (ORS) 672.060. Discussions regarding Franchise Utilities were previously held by the PPC. AAG Lozano explained that there are two specific exemptions outlined in ORS 672.060, subsection (5) and (6), that individuals often conflate. A discussion was held regarding how the Board might ensure that Franchise Utilities are complying with applicable statutes, rules, and regulations. There was no further discussion.

## New Business

### Licensing and permitting requirements for public works projects – Michael Lovejoy

A Question form was received from Michael Lovejoy, inquiring if a scenario he posed has been completed lawfully. He provides that the City of Helix has recently received its second boil water notice resulting from a positive test for e.coli bacteria in the public water system. He further explained that the City also experienced several major floods in the last few years that have caused damage to the City, parks, and personal property. Mr. Lovejoy asked if the additions and alterations made to the City's water distribution system was lawfully completed by the city's Mayor. After a brief discussion, it was moved and second (Duquette/Aldridge) to provide Mr. Lovejoy with a copy of ORS 672.005 and inform him that the activities he has listed in his Question form does require a professional registration as an engineer in Oregon. Further, if he believes that any of the activities he has listed is being done without a registration, he may file a complaint by utilizing the Complaint form. The motion passed unanimously. There was no further discussion.

### Requirements of Filing a Survey – Scott Fein

An email was received from Scott Fein, requesting guidance on when a map of survey is required. He provided that there's a large problem in Jackson County with approximate, temporary, and unofficial corners/surveys. After a brief discussion, it was moved and second (Aldridge/Duquette) to recommend to the Board that the Standards of Land Surveying Practice Committee (SLSPC) be reconstituted. The motion passed unanimously. AAG Lozano advised staff to let Mr. Fein know of the proposal to reconstitute the SLSPC. There was no further discussion.

### Stamping question on foundation recommendations – Troy Hull

An email was received from Troy Hull, regarding stamping on foundation recommendations. He asked if an Engineering Geologist can be the sole stamp on foundation recommendations if they feel they are adequately experienced in providing foundation recommendations. Ms. Duquette explained that Mr. Hull first presented this exact question to the Oregon State Board of Geologist Examiners (OSBGE). She further explained that OSBGE provided an answer to Mr. Hull's question without first bringing it to the Joint Compliance Committee (JCC). PPC discussed the practice of engineering as it pertains to Mr. Hull's scenario. Due to OSBGE having already provided its answer to Mr. Hull, it was moved and seconded (Duquette/Zuniga) to forward this discussion to the Board to determine how OSBEELS will respond to Mr. Hull's question. The motion passed unanimously. Ms. Duquette directed staff to notify Mr. Hull that the Board will be considering his question and that a response will be provided following their decision. There was no further discussion.

The meeting adjourned at 2:45 p.m.