



Oregon

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

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RULES & REGULATIONS COMMITTEE

Minutes of Meeting

August 9, 2013

Members present:

Ken Hoffine, Chair

William Boyd

Steven Burger

Staff present:

Mari Lopez, Executive Secretary

Jenn Gilbert, Executive Assistant

Joy Pariente

Others present:

Katharine Lozano, Assistant Attorney General

Jim Doane (Observer)

Anne Hillyer (Observer)

Olivia Luke (early for EQC)

Bob Neathamer (Observer)

Tom Van Liew (Observer)

The meeting of the Rules and Regulations Committee was called to order at 8:04 a.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

Rewrite of Oregon Administrative Rule (OAR) 820, Division 10

The rewrite process is currently on hold, as a result of rulemaking related to the changes passed during the 2013 Legislative Session. These changes take effect January 1, 2014.

New Business

Independent Sales Rep (OAR 820-020-0035)

The Committee discussed a question addressed by the Professional Practices Committee during its June 2013 meeting. It was in reference to solicitation and receipt of commissions, gifts, or other valuables in exchange for work, as addressed in OAR 820-020-0035. AAG Lozano reviewed the language of the current rule and indicated that clarifications may be necessary. Committee members mentioned that there have been no recent law enforcement cases referencing issues with the current interpretations of this rule in the professions. The Committee

determined that no action is necessary at this time and this rule would be addressed in additional detail at a future meeting.

OAR 820-010-0463 – Cutoff Scores for Examinations

The Committee discussed the addition of a cutoff score for the California Geotechnical examination. This cutoff score is determined by the California Board for Professional Engineers, Land Surveyors, and Geologists. After reviewing the draft language, the Committee recommends presentation to the September Board to begin the rulemaking process.

OAR 820-010-0730 – Use of Title if Registered in Other Jurisdictions

The Committee discussed clarification of OAR 820-010-0730 by adding language referring to land surveyors and photogrammetrists, in addition to engineers. The purpose is to make it clear that title use restrictions apply to all professions regulated by OSBEELS. After reviewing the draft language, the Committee recommends presentation to the September Board to begin the rulemaking process.

OAR 820-015-0026 – Failure to Comply with Continuing Professional Development Requirements

The Committee discussed clarification of OAR 820-015-0026 by restructuring the language of the rule. The purpose is to make it clear that there are specific actions required when requesting a grace period. After reviewing the draft language, the Committee recommends moving forward with the rulemaking process. After reviewing the draft language, the Committee recommends the draft rule, as revised, for presentation to the September Board meeting to begin the rulemaking process.

OAR 820-050-0010 – Continuing Professional Development Requirements: Failure to Comply

The Committee discussed clarification of OAR 820-050-0010 by making minor changes to the language. The rule is the same as OAR 820-015-0026, but applies to geologists holding a certified water right examiner designation. After reviewing the draft language and recommending revisions similar to those made in OAR 820-010-0730, the Committee recommends presentation to the September Board meeting to begin the rulemaking process.

As a result of changes passed during the 2013 Legislative Session pertaining to the new NCEES computer based testing (CBT) system, the following rules have been drafted or edited:

OAR 820-010-0210 – Application for Enrollment as an Engineering Intern (EI) and Land Surveying Intern (LSI)

The Committee discussed changes to the application fees and schedule of consideration and examination timeframes for the Fundamentals of Engineering/Fundamentals of Land Surveying examinations.

OAR 820-010-0217 – Application for First and Second Attempts for the Fundamentals of Engineering (FE) and Fundamentals of Land Surveying (FLS) Examinations with Accredited Degrees

The Committee discussed this new rule, which was developed in response to required changes as a result of the transition to computer-based testing (CBT). This rule provides a “fast track” option for fully credentialed individuals, meaning they hold an accredited degree which meets

coursework requirements. Foreign and non-accredited degrees must still be reviewed on a case-by-case basis, according to previous approval procedures.

OAR 820-010-0219 – Application for Fundamentals of Engineering (FE) and Fundamentals of Land Surveying (FLS) Examinations – Dean’s Verifications

The Committee discussed this new rule, which was developed in response to required changes as a result of the transition to CBT. This rule provides a “fast track” option for individuals apply using Dean’s Verification, meaning they will hold an ABET-accredited degree within 10 months of their examination date.

OAR 820-010-0225 – Educational Qualifications to Take the Fundamentals of Engineering (FE) Examination for Enrollment as an Engineering Intern

The Committee discussed this rule to cover situations arising with the FE examination application process not addressed in OAR 820-010-0217 and OAR 820-010-0219.

OAR 820-010-0226 – Educational Requirements to Take the Fundamentals of Land Surveying (FLS) Examination for Enrollment as a Land Surveying Intern

The Committee discussed this rule to cover situations arising with the FLS examination application process not addressed in OAR 820-010-0217 and OAR 820-010-0219.

Staff update: The discussion and determinations regarding OAR 820-010-0210, OAR 820-010-0217, OAR 820-010-0219, OAR 820-010-0225 and OAR 820-010-0226 are contained in the August 13, 2013 Special Board Meeting minutes.

The meeting adjourned at 9:11 a.m.