



# Oregon

STATE BOARD OF EXAMINERS  
FOR ENGINEERING &  
LAND SURVEYING

RULES & REGULATIONS COMMITTEE  
Minutes of Meeting  
June 12, 2015

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

Members present:

Ken Hoffine, Chair  
Jason Kent  
Shelly Duquette

Members absent:

William Boyd (excused)

Staff present:

Mari Lopez, Board Administrator  
Jenn Gilbert, Executive Assistant

Others present:

Katharine Lozano, Assistant Attorney General  
Chris Aldridge (observer)  
Darrell Fuller, Lobbyist

The meeting of the Rules & Regulations Committee was called to order at 8:05 a.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**

ORS 672.005(1)(d) and (e)

AAG Lozano is working on draft changes which can be further refined, if necessary, during the August meeting and prior to any recommendation made to the Board. There was no further discussion.

**New Business**

OAR 820-0010-0720

Staff noted that the draft revision clarifies the intent of “Oregon” offices.

OAR 820-020-0015, 820-020-0025, 820-020-0030, and 820-020-0035

Staff reported that the language for OAR 820-020-0015, 820-020-0025, 820-020-0030, and 820-020-0035 was revised as a result of the revisions to OAR 820-020-0005 – Preamble under the Rules of Professional Conduct. The draft language includes individuals applying for registration

or certification with the Board. After discussion, revisions were made to OAR 820-020-0030 and 820-020-0035.

#### OAR 820-030-0005 and 820-040-0005

AAG Lozano explained that the draft language in OAR 820-030-0005 and 820-040-0005 defines professional services to clarify that they exclude a compensation requirement. As the Committee had voted in a prior meeting, it should be clear in the Board's rules that volunteering to perform unlicensed engineering is no more lawful than doing so for compensation. A person who has not satisfactorily demonstrated his or her qualifications to engage in engineering and/or land surveying services to the Board (by receiving registration), does not become a qualified, safe, or suitable person to provide engineering and/ or land surveying services by doing so for free. As one example, it would be contrary to the Board's mission to protect public health and safety to allow unlicensed firms or individuals to engineer churches as a congregation volunteers. AAG Lozano verified that the results of the legislative history research done on the Board statutes that reference "professional services" are consistent with the draft language for OAR 820-030-0002 and 820-040-0005. It was moved and seconded (Duquette/Kent) to forward OAR 820-010-0720, 820-020-0015, 820-020-0025, 820-020-0030, 820-020-0035, 820-030-0005 and 820-040-0005 as presented and amended to the Board for approval to begin the rule making process. There was no additional discussion. The motion passed unanimously.

#### **Legislative Update**

##### A-Engrossed SB 297

Staff reported that A-Engrossed SB 297-A, without amendments, left the House Committee on Business and Labor with a Do Pass recommendation; the Committee voted 11-0. Representative Barreto will carry the Bill. AAG Lozano informed the Committee that management and staff have set a date to meet with her in drafting rules to conform with the passing of SB 297. She also recommended the Board move forward with an enhanced rulemaking process. She elaborated on her recommendation, suggesting that the rulemaking process in response to SB 297-A Engrossed could include additional notification to the interested parties that supported the A-5 amendment, which failed (changing the term from "program" to "curriculum"). Notifications would include the rulemaking timeline, specific dates to submit written and/or oral comments, reminders of the rulemaking hearing dates, as well as of committee and Board consideration of commentary and the Hearing Officer's report, and distribution of the Hearing Officer's report after the Rulemaking Hearing is held. This makes the process even more transparent and accessible. Interested parties would also be affirmatively invited to observe future meetings of the RRC. Ms. Lopez mentioned that AAG Bray should also start revising the contract with NCEES. AAG Lozano will contact AAG Bray. It was moved and seconded (Duquette/Kent) to use the enhanced Rulemaking Process for the revision of rules to conform with the passing of SB 297. The motion passed unanimously.

Ms. Lopez further reported that Representative Holvey, Chair of the House Committee on Business and Labor, plans to send a letter to the Board requesting the discussions continue with regard to the hydrography matters. Mr. Kent briefly summarized the background of the hydrography matter. Mr. Aldridge then provided a summary on the history and process in which the photogrammetrists were introduced and granted registration. Ms. Duquette also informed the Committee of her knowledge on the NCEES examination process. As a result, it was moved and

seconded (Duquette/Kent) to recommend the Board create a Task Force to further discuss the hydrography issues and meet with interested parties. Mr. Aldridge, Ms. Duquette, and Mr. Singh should serve on this Task Force. The motion passed unanimously.

The meeting adjourned at 8:46 a.m.