



PUBLISHED BY THE OREGON STATE BOARD OF EXAMINERS FOR ENGINEERING AND LAND SURVEYING

The mission of the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) is to regulate the practice of engineering, land surveying, photogrammetric mapping, and water right certification in the state as they relate to the welfare of the public in safeguarding life, health and property.

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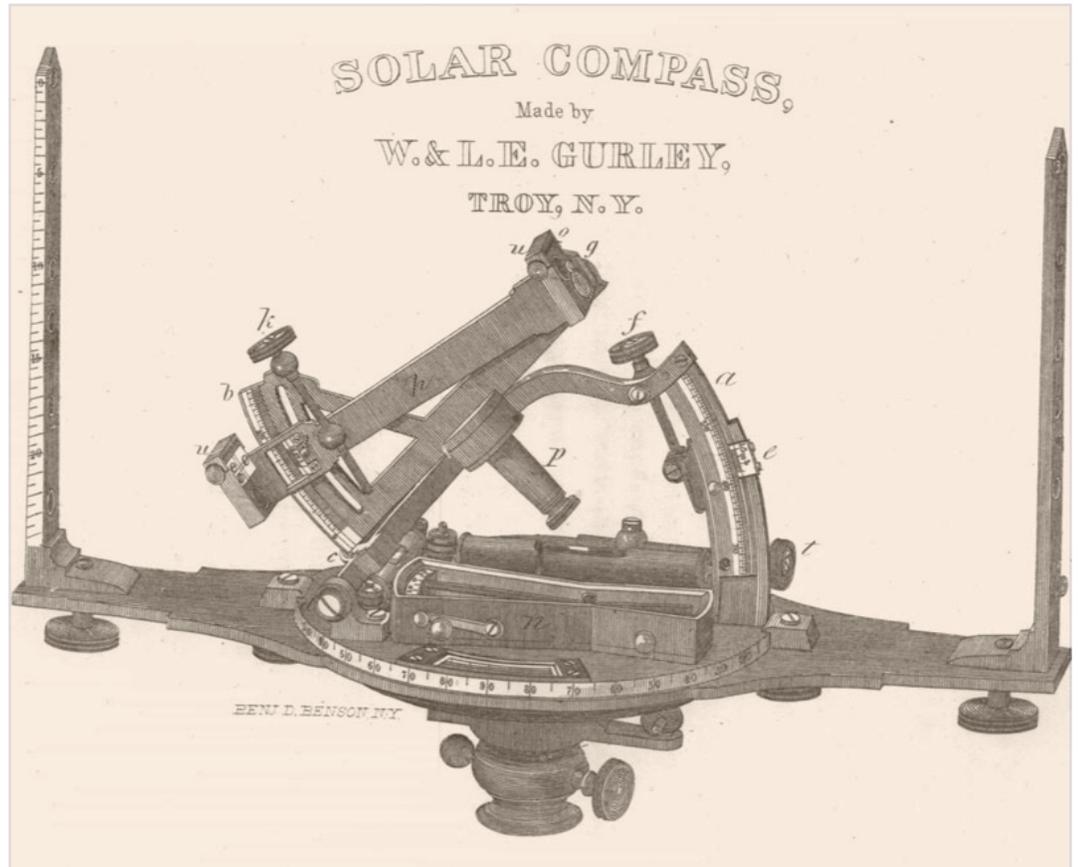


Image courtesy of Tim Kent, PLS

Running lines by the sun

The art and history of solar surveying

In the 1800s, there were significant surveying issues caused by large iron deposits in the earth. Compass operations were often hampered by the magnetic interference caused by these metals and north-south survey line

determinations were difficult. William Austin Burt devised a way around the troubling magnetic confusion – the solar compass.

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Consequences of failure to pay civil penalties

As provided under Oregon Revised Statute (ORS) 672.325, OSBEELS may impose a civil penalty upon any individual who violates any provision of the Board's rules or of ORS 672.002 to 672.005. Penalties may not exceed \$1,000 per offense. All individuals in receipt of civil penalties must remit payment within 10 days after the order becomes final by operation of law.

Failure to pay civil penalties can result in liens, forced collections or additional penalties. In the case of non-registrants, ORS 183.745 allows the Board to file a lien with the county clerk's office upon the title to or interest in any property of the person against whom the order was issued. As per ORS 205.126, collection on judgments from orders filed in the County Clerk Lien Record may be enforced by:

Writ of execution proceedings (ORS 18.252 to 18.993)

Proceedings in support of execution (ORS 18.265, 18.268 and 18.270)

Garnishment proceedings (ORS 18.600 to 18.850)

These proceedings allow for the examination of the debtors holdings, seizure of property that can be applied against the delinquent judgment, or garnishment of

stocks, wages or property in safety deposit boxes. The Board can also utilize the services of the Oregon Department of Revenue to collect debts.

For registrants, the situation is more complicated. Registrants are subject to all of the above actions if they fail to pay their civil penalties within the 10-day period, but they're also subject to additional civil penalties resulting from the violation of Oregon Administrative Rule (OAR) 820-020-0045(3). Each registrant is obligated to not engage in unprofessional behavior under this rule and subsection 3 specifically addresses payments to the Board:

(3) An applicant or registrant must make timely and full payment to the Board of all Board assessed fees, fines and penalties.

As with other violations, there is the potential for a fine of up to \$1,000 per offense for violations of OAR 820-020-0045(3).

Additionally, Senate Bill 209, amends ORS 672.200 to read (Presented during the 2012 Legislative Session and effective January 2014):

The State Board of Examiners for Engineering and Land Surveying may suspend, revoke or refuse to issue, restore or renew a certificate

or permit, or may reprimand an individual enrolled as an intern or holding a certificate or permit:

(1) For violating any provision of ORS 672.045;

(2) For gross negligence, negligence or incompetence in the practice of engineering, land surveying or photogrammetric mapping;

(3) Subject to ORS 670.280, for conviction of a felony;

(4) For conviction of a misdemeanor involving the practice of engineering, land surveying or photogrammetric mapping;

(5) For failing to pay a civil penalty or fee in the manner prescribed by a final order of the board, or for failing to meet any other term of a final order of the board; or

(6) For violating a rule of professional conduct prescribed by the board.

Payment plans may be available for individuals who demonstrate a need for repayment flexibility. Payment plans must be approved by the Board. For questions regarding civil penalties or payments, please contact the Board office at 503-362-2666 or by email at osbeels@osbeels.org. 

Obligation not to engage in unprofessional behavior

Some registrants may not be aware of or familiar with the actions prohibited under Oregon Administrative Rule (OAR) 820-020-0045. This rule specifies what conduct is considered by the Board to be unprofessional. Many of the “unprofessional behaviors” on which the Board receives complaints – contract issues, work quality or timeliness of project completion – are outside the Board’s jurisdiction, the Board can look into five specific behaviors under OAR 820-020-0045. These rules apply to both registered professionals and applicants.

- An applicant or registrant will not, by word of conduct, act in a manner intended to place a client, another registrant, a Board

member, a Board employee or an examination proctor in fear of imminent serious physical injury.

- An applicant or registrant will not engage in reckless, knowing or willful conduct that causes serious physical injury to a client, another registrant, a Board member, a Board employee or an examination proctor.
- An applicant or registrant must make timely and full payment to the Board of all Board assessed fees, fines and penalties.
- An applicant or registrant must give written notification to the Board of any disciplinary action or sanction related to the practice of engineering, land surveying or photogrammetric mapping

imposed by any licensing agency immediately upon receiving notice of the action or sanction.

- An applicant or registrant will not assist or aid in the unsupervised or unlawful practice of engineering, land surveying or photogrammetric mapping.

In cooperation with other Board rules regarding the conduct expected of registered professionals, OAR 820-020-0045 was designed to help achieve the Board mission of protecting the life, health and property of Oregonians. If you believe a registered professional or applicant has violated any portion of this rule, please complete the Complaint Form available at www.oregon.gov/osbeels in the “Regulation” section. 📄

Military education and experience evaluation options

The Board recently discussed how to best evaluate an applicant’s education and experience gained through military service and training. Oregon Revised Statute (ORS) 672.105 states that “an applicant qualifies for the fundamentals in engineering examination if the board determines that the applicant has military training or experience that is substantially equivalent to the education required by subsection (1) of this section.” To facilitate this determination, the Board has amended Oregon Administrative Rule (OAR) 820-

010-0227 and 820-010-0228 to allow the Joint Service Transcript (JST) to be submitted as supporting documentation with applications.

The JST translates military experience and education into college credit equivalency recommendations. This program is through the American Council on Education (ACE) and courses are evaluated in a manner similar to the ABET accreditation process. Teams of military personnel and civilian professors, overseen by ACE, observe and evaluate military schools and offer a transcript reflecting

how the skills learned at those schools would translate to college credits. Applicants using the JST as proof of education or experience will continue to be reviewed by the Examinations and Qualifications Committee (EQC), as is the procedure for all individuals applying without a degree from an accredited program recognized by the Board.

Current and former military members can request their JSTs at jst.doded.mil/smart/signIn.do. There are no fees associated with JST requests. 📄

SOLAR, from Front Page

The solar compass determined north by the astronomical observations rather than relying on magnetic north. Burt's solar compass allowed surveyors to work through areas with high iron content without sacrificing accuracy. According to the Smithsonian National Museum of American History, this compass had three arcs used for setting the latitude of the land, setting the declination of the sun and setting the hour of the day. The moveable parts allow for adjustments based on the sun's position in the sky. When the sun is at its highest and lowest points, noon and midnight respectively, it is perfectly aligned with the equator. As the sun moves throughout the day, the arcs of the solar compass are moved to take declination into account. The solar compass can also be used at night and latitude can be determined by any astronomical feature within the zodiac.

The solar compass was adopted as the standard equipment for

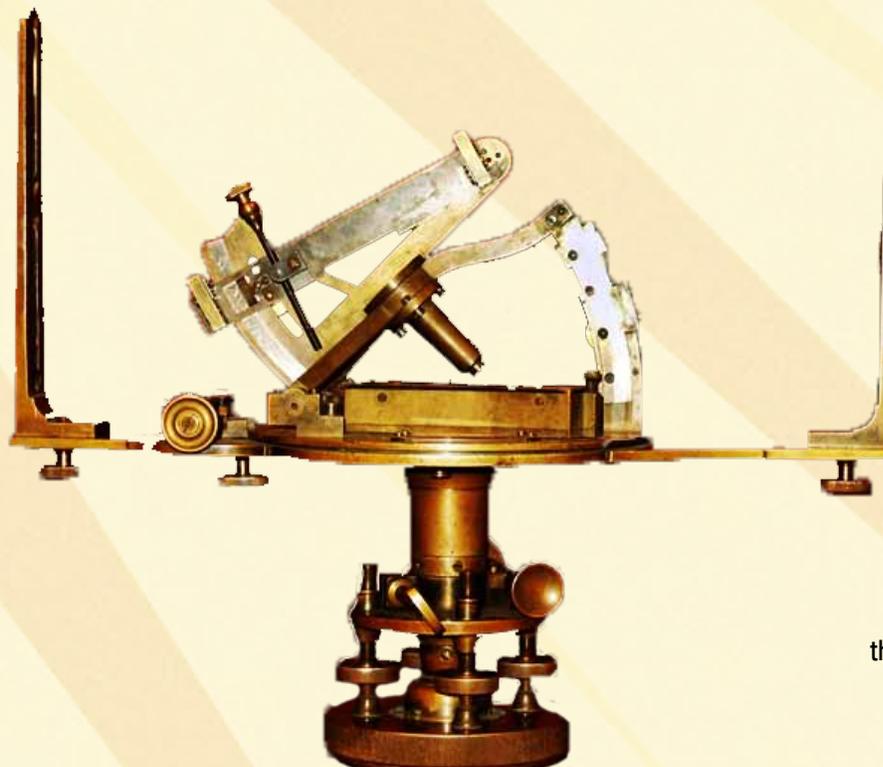
conducting federal surveys in 1850. It offered ease of use and the guarantee of a true line, explained Tim Kent, PLS and solar compass aficionado. He said that the time to set up a solar compass and obtain a true line was usually less than a minute, which increased surveying speeds.

When John B. Preston, Oregon Surveyor General, was planning the first comprehensive surveys of Oregon, he prescribed the use of solar compasses for determining major boundary lines in areas of magnetic interference. Unfortunately, Oregon's weather made the use of solar compasses difficult. Kay Atwood, writer of Chaining Oregon, explained that

Oregon surveyors were frustrated by the lack of sun, which made their solar compasses all but useless. William Ives, a surveyor in Oregon, wrote a letter to Preston explaining the situation - "Cloudy weather came in and I took the liberty of leaving." Additionally, in the Umpqua and Rogue Valleys, neither the magnetic compasses nor solar compasses served much of a purpose as there were high-content iron ore deposits causing magnetic issues and dense forests blocking the sun.

According to Kent, other issues included lack of sighting optics, a solar lunch break and operator

competency. The solar compass featured "sight vanes" that the surveyor would use to line up points, but this could lead to alignment errors, Kent explained. Another issue arose between the hours of approximately 10:30 a.m. until 1:30 p.m., when the sun can be



observed in multiple locations. There is no way to know which view of the sun to use for measurements, therefore, accuracy is not obtainable, Kent said.

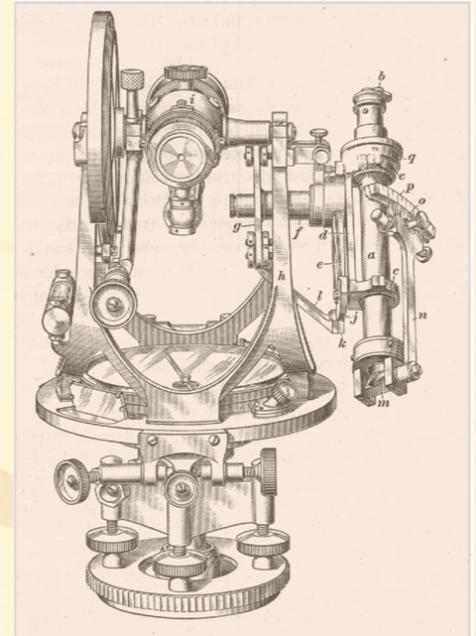
A key problem arose when seeking surveyors with solar compass knowledge. Experienced solar compass operators were hard to find and this shortage caused continual issues during the surveying of Oregon. Kent shared a quote from General Land Office deputy surveyor John Fitzhugh to illustrate the necessity of operator experience – "...this is a great instrument in the hands of a mathematician, but in the hands of an ignoramus, it is one of the wildest machines ever built to run a line."

After more than a century of use, the solar compass was retired. The 1973 Bureau of Land Management (BLM) Manual required a "tighter error of closure standards than what was obtainable with these instruments," Kent explained, as solar observations tended toward a degree of accuracy in bearing to plus or minus one minute of arc.

Today, a solar compass can fetch between \$15,000 and \$20,000. For those interested in trying their hand at solar surveying, Kent offers a workshop, "Surveying with Solar Instruments," which gives attendees hands-on experiences with solar compasses and solar transits. For more information on this course, please contact Kent at takent@comcast.net.

William Austin Burt designed the solar compass as a way to obtain reliable results when dealing with interferences caused by iron deposits. In 1850, this tool became the standard for conducting federal surveys.

Images courtesy of Tim Kent, PLS



The steps for preparing a solar compass for use: (clockwise from left)

Step One - Set latitude

Step Two - Set declination

Step Three - Set time (solar)

Step Four - Align sun on crosshairs.



Investigation and Enforcement

Law enforcement cases with sanctions from Jan. 2, 2014 to April 1, 2014

2740 - Yukimasa Aizawa

The Board issued a Default Final Order against Yukimasa Aizawa, PE, for failure to comply with CPD requirements. Mr. Aizawa failed to respond to numerous requests from auditors and investigators to gain his participation in an audit of his continuing professional development. Mr. Aizawa was assessed a \$3,000 civil penalty and a 90-day suspension for violations of OAR 820-020-0015(7)&(8), and OAR 820-010-0635(1) and (5).

2743 - Timothy W. Bardell

The Board issued a Final Order against Timothy W. Bardell, PE, finding that he engaged in the practice of engineering on three projects in Oregon during a time his professional engineer registration was in delinquent status. Mr. Bardell stamped the primary structural frame of a significant structure without being registered as a structural engineer, as required. In addition, Mr. Bardell did not use the correct expiration date for his seal, nor did he consistently include his registration expiration date or renewal date, as required. Mr. Bardell entered into a settlement agreement to pay a \$2,000 civil penalty and abide by a 90-day suspension for violations of ORS

672.107(3), ORS 672.045(1), ORS 672.020(1) & (2) and OAR 820-010-0620.

2751 - Adrian Bartle Pearmine

The Board issued a Default Final Order against Adrian Bartle Pearmine, finding he performed engineering services while his registration was delinquent. Mr. Pearmine engaged in the practice of engineering when he used the title of "PE" and "Registered Professional Engineer" as a representative of his company on project proposal documents as well as marketing materials for his employer and his resume. In addition, Mr. Pearmine failed to report an address change to the Board, as required. Mr. Pearmine was assessed a \$750 civil penalty for violations of ORS 672.002, 672.020(1), 672.045(1)&(2) and OAR 820-010-0605.

2754 - William Glenn Case

The Board issued a Default Final Order against William Glenn Case, PE, finding that he failed to continue professional development, failed to cooperate with the Board, and failed to be objective and truthful regarding the nature of his professional development. Mr. Case was assessed a \$2,000 civil penalty and a 90-day suspension for violations

of OAR 820-020-0015(7) & (8) and OAR 820-020-0025(1).

2757 - Melvin L. Johnston

The Board issued a Default Final Order against Melvin L. Johnston, PE, finding that he failed to meet the professional development requirements for the audit period, failed to continue professional development during his career, and failed to cooperate with the Board. Johnston was assessed a \$3,000 civil penalty and a 90-day suspension for violations of OAR 820-010-0635(1) and (5), OAR 820-020-0025(1), and OAR 820-020-0015(8).

2764 - Douglas Colman Zaitz

The Board issued a Default Final Order against Douglas Colman Zaitz, PE, finding he did not meet the PDH requirements for the audit period, that he failed to continue professional development during his career, and that he failed to cooperate with the Board. Mr. Zaitz was assessed a \$3,000 civil penalty and a 90-day suspension for violations of OAR 820-010-0635(1), OAR 820-020-0025(1) and OAR 820-020-0015(8).

2771 - Marjan Sassanfar Amesbury

See **ENFORCEMENT**, Page 7

Changes to requirements for modifying designs and documents

New language has been drafted for Oregon Administrative Rule (OAR) 820-010-0622 by the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) and the Oregon Board of Architect Examiners (OBAE) through the Modifying Designs and Documents Task Force. The revisions will enable registered professional engineers and registered architects to properly document modifications to avoid versioning errors and protect public safety, while maintaining compliance with pertinent OSBEELS and OBAE rules and statutes. The amended rule was approved to begin the rulemaking process by the Board during its March 2014.

According to the proposed amendments, any modifications made by a professional engineer must [have separate documents that are](#)

ENFORCEMENT, from Page 6

The Board issued a Final Order against Marjan Sassanfar Amesbury, PE, finding she failed to update her address with the Board. Ms. Amesbury entered into a settlement agreement to pay a \$100 civil penalty for a violation of OAR 820-010-0605.

2772 - Leonard W.W. Cooke

The Board issued a Default Final Order against Leonard W. W.

[sealed and signed by the engineer.](#) Additionally, all engineers must [only perform engineering work within their competence](#), as determined by [education or experience](#). For professional engineers modifying the work of [other professional engineers](#) or of an [unlicensed person](#) for an exempt structure, they must [cloud, encircle or in some other way clearly indicate the portion of the document that has been revised](#).

For professional engineers modifying the documents of a registered architect, documenting the modifications is slightly different. OBAE rules and statutes (OAR 806-010-0045, Oregon Revised Statute (ORS) 671.020(5) and ORS 671.090(6)) prohibit anyone other than the architect to make any markings upon an original drawing. This removes the option of clouding or encircling to alert plan

Cooke, PE, finding that he failed to update his address with the Board. Mr. Cooke was assessed a \$250 civil penalty for a violation of OAR 820-010-0605(1).

2773 - Sofronio C. Mendez

The Board issued a Final Order against Sofronio C. Mendez, PE, finding he failed in his responsibility to cooperate with the Board during an audit of his professional

users of any changes. It is critical that professionals in the field [review full design packets regularly to stay abreast of changes that may not be otherwise indicated on the original drawings](#). As per recommended draft language, [professional engineers](#) modifying the design documents of a [registered architect](#), in addition to being in compliance with the requirements above, must [make modifications on separate documents that clearly indicate the portion of the document being modified](#). OBAE requirements regarding modification of documents stamped by registered professional engineers by registered architects can be found in OAR 806-010-0115, Construction Document Modification.

Questions regarding rules or statutes can be submitted to the Board via the Questions Form at www.oregon.gov/osbeels under the "Contact Us" tab. 

development. Mr. Mendez entered into a settlement agreement to pay a \$500 civil penalty for a violation of OAR 820-020-0015(8).

2774 - Ryan B. Mitchell

The Board issued a Default Final Order against Ryan B. Mitchell, PE, finding he failed to report an address change to the Board. Mr. Mitchell

See **ENFORCEMENT**, Page 11

Renewal Form

| Registrant Contact Information | | | |
|--|--|--------------------------|--|
| First name (personal name) | Middle name or initial | Last name (family name) | |
| If you have a Social Security number Oregon law requires that it be used. Only use a Passport number if you don't have a Social Security number. | | | |
| <input type="checkbox"/> Social Security # | OR <input type="checkbox"/> Passport # | Country issuing passport | |
| Birth date (Mo/Day/Yr) | Where do you want correspondence mailed to? | Registration Number | |
| | <input type="checkbox"/> Home address OR <input type="checkbox"/> Business address | | |
| Home address (include any apartment number) | | | Home/Personal phone # |
| City | State | Zip/Postal code | Home email address |
| Business name | | Business phone # | Business fax # |
| Business address (include any suite number) | | | |
| City | State | Zip/Postal code | Business email address |
| Address for public disclosure (As per Oregon Revised Statute (ORS) Chapter 192) | | | <input type="checkbox"/> Same as mailing address |
| City | State | Zip | |

Social Security Guidelines

As part of your application for an initial or renewed occupational, professional or recreational license, certification, or registration issued by OSBEELS, you are required to provide your Social Security Number to OSBEELS. This is mandatory. The authority for this requirement is ORS 25.785, ORS 305.385, 42 USC § 405 (c) (2) (C) (i), and 42 USC § 666 (a) (13). **Failure to provide your Social Security Number will be a basis to refuse to issue or renew the license, certification, or registration you seek.** This record of your Social Security Number will be used for child support enforcement and tax administration purposes (including identification) only, unless you authorize other uses of the number. Although a number other than your Social Security Number appears on the face of the licenses, certificates, or registrations issued by OSBEELS, your Social Security Number will remain on file with OSBEELS.

If, the United States Social Security Administration has not issued you a social security number, you must follow these guidelines:

- form must be signed by you;
- You are attesting to the fact that no social security number has been issued to you by the United States Social Security Administration; and
- are acknowledging that knowingly supplying false information under this section is a Class A misdemeanor, punishable by imprisonment of up to one year and a fine of up to \$6,250.

By providing the following signature, you are agreeing to comply with the guidelines listed above.

| | |
|-----------|------------------|
| Signature | Date (Mo/Day/Yr) |
| | |

If requesting reinstatement from inactive or retired status, please complete the Reinstatement from Inactive or Retirement Status form available at www.oregon.gov/Osbeels/Pages/renewals.aspx.

Please check the applicable boxes and enclose the appropriate amount

- Active registration renewal: \$150.00 each profession
 - PE PLS RPP
- I have attached the CPD Organizational Form
- I have attached the Continuing Education Request for a Grace Period form

Please refer to the Oregon Administrative Rule (OAR) 820-010-0505, 820-010-0510, OAR 820-010-0635 and OAR 820-015-0026 for additional details.

I certify that I have completed the required professional development hour (PDH) units in accordance with the applicable OARs.

Signature

Date (Mo/Day/Yr)

- Certified Water Right Examiner (CWRE) renewal: \$40.00
Please note: *January 2015 will be the first scheduled audit cycle which will require 10 CWRE PDH units. These audits will reflect the 2013-2014 renewal cycles, which means the PDH units will need to be obtained starting in 2013 and supporting documentation will be required.*

- Delinquency fee per registration renewal: \$80.00 each profession
Please refer to the OARs 820-010-0505 and 820-010-0520 for further details.
 - PE PLS RPP CWRE

Select payment method (choose one)

Check or Money Order (payable to OSBEELS)

Cash

Amount enclosed:

Debit or Credit Card (Visa, Mastercard, Discover, or AmEx)

Total charge to card:

Card number

Exp. date

Security code*

Billing Zip/Postal code

Payment Signature (serves as payment authorization if paying by debit or credit card)

Signature

Date (Mo/Day/Yr)

The Oregon Examiner Newsletter

Please indicate how you would like to receive the OSBEELS newsletter, *The Oregon Examiner*.

- Primary Address Primary Email Business Address Business Email No Newsletter

*** Debit or Credit Card Security Codes**

If submitting a payment to the OSBEELS for fees by debit or credit card, please provide the security code. These codes are a security feature that appears on the back of most Visa, MasterCard, and Discover cards, and on the front of American Express cards.

American Express Card Users: Look for the 4-digit code printed on the front of the card just above and to the right of the main card number. This 4-digit code is the card security code.

Visa, MasterCard, and Discover Card Users: Flip the card over and look at the signature box. A special 3-digit code will be located in the signature box. This 3-digit code is the card security code.

ENFORCEMENT, from Page 7

was assessed a \$250 civil penalty for a violation of OAR 820-010-0605(1).

2779 - David Allen Loomis

The Board issued a Final Order against David Allen Loomis, PLS, finding he set monuments without filing a corresponding map. Mr. Loomis waited nearly 13 years to file a map of survey after monuments were set on a client's property. Mr. Loomis entered into a settlement agreement to pay a \$750 civil penalty for violations of OAR 820-030-0060 and ORS 209.250(1).

2787 - David Lysne

The Board issued a Default Final Order against David Lysne, finding he engaged in the practice of engineering without a license. Mr. Lysne participated in the design review and inspection of a stream culvert on non-exempt land. Oregon Department

of Forestry issued a citation after the project was complete, due to the final product not being compliant with the designs. Mr. Lysne was assessed a \$1,000 civil penalty for a violations of ORS 672.020(1) and ORS 672.045(1)(2) &(6).

2839 - Takeshi Kobayashi

The Board issued a Default Final Order against Takeshi Kobayashi, PE, finding he failed to update his address with the Board. Mr. Kobayashi was assessed a \$250 civil penalty for a violation of OAR 820-010-0605(1).

2851 - Scott T. Ogren

The Board issued a Default Final Order against Scott T. Ogren, finding he failed to comply with CPD requirements. Mr. Ogren did not initially respond to staff when requested to participate in the audit and did not comply with the grace period granted. Mr. Ogren was assessed a \$500 civil

penalty for a violation of OAR 820-020-0015(8).

2855 - John Raymond Gery

The Board issued a Default Final Order against John Raymond Gery, PE, finding he violated the Board's Rules of Professional Conduct. Mr. Gery did not pay the civil penalty assessed for Case No. 2712 by the date it was due. Mr. Gery's registration was revoked for violations of OAR 820-020-0015(8) and OAR 820-020-0045(3).

2856 - Jong-Rok Lee

The Board issued a Default Final Order against Jong-Rok Lee, PE, finding he violated the Board's Rules of Professional Conduct. Mr. Lee did not pay the civil penalty assessed for Case No. 2715 by the date it was due. Mr. Lee's registration was revoked for violations of OAR 820-020-0015(8) and OAR 820-020-0045(3). ■

Friendly Reminders

Registration renewal

Not sure if your registration(s) is current? The "Find a Licensee" tool at www.oregon.gov/osbeels allows you to view your registration status. If you need to renew your registration(s), mail the form on Page 9 to the OSBEELS office at 670 Hawthorne Avenue SE, Suite 220, Salem, OR 97301.

Employer Checks

If your employer sends a check for

your renewal, please ensure that it includes your registration number(s) and your Continuing Professional Development Organizational Form is attached. If these items are not included, it will delay the renewal process.

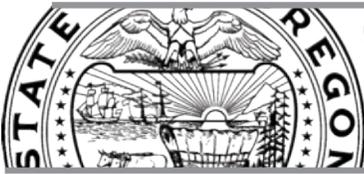
Social Security Number

To comply with child support enforcement and tax administration law, OSBEELS requires that all applicants and licensees provide their

Social Security numbers. Oregon Revised Statute (ORS) 25.785, specifically requires that the Social Security number be recorded on the application or renewal form for a license, certificate or registration.

Deceased Registrants

If you are aware of a registrant who has passed on, please call (503) 362-2666. OSBEELS would like to avoid sending renewal notices and other communications to the families.



Oregon

BOARD OF EXAMINERS
FOR ENGINEERING &
LAND SURVEYING

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OSBEELS is on Facebook! The most up-to-date information on exams, applications, audits, renewals, and more!

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You may return this form by email to osbeels@osbeels.org, by fax to (503) 362-5454 or by mail to the address listed above. Please note, the contact information in which Board correspondence is sent will not be changed by submitting this form. Please utilize the Name/Address Change form to comply with Oregon Administrative Rule (OAR) 820-010-0605.

Registrant Information

| | | |
|----------------------------|---|-------------------------|
| First name (personal name) | Middle name or initial | Last name (family name) |
| <hr/> | <hr/> | <hr/> |
| Email Address | Registration or certificate number, if applicable | |
| <hr/> | <hr/> | |

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