

OREGON STATE BOARD OF GEOLOGIST EXAMINERS

MEETING MINUTES

SEPTEMBER 20, 2013

Members Present:

Mark Yinger, RG, Chair
Peter Stroud, RG, CEG, Vice Chair
Richard Heinzkill, Public Member
Todd Jarvis, PhD, RG, CEG
Vicki McConnell, PhD, RG, State Geologist*
Kenneth Thiessen, RG, CEG
(*Ex Officio member, does not vote on motions)

Staff Present:

Christine Valentine, Administrator

Guests: (**as noted in minutes)**

Jennie Armstrong, ODOT
Curran Mahoney, ODOT
Paul Wirfs, ODOT
Matthew Steinkamp, Garcia & Associates
Carole Denardo, Garcia & Associates
Kyle Martin, AAG, DOJ

LOCATION: ASSOCIATION CENTER, 707 13TH ST. SE, CONF. RM. "A", SALEM, OR

WORK SESSION MINUTES

Chair Yinger called the meeting of the Oregon State Board of Geologist Examiners (OSBGE) to order at 9:00 AM.

Welcome/Introductions: Chair Yinger provided a quick overview of the day's agenda and anticipated guests for the day. All Board members and the Board Administrator were present.

OSBGE Guidelines: Chair Yinger opened discussion on the OSBGE guidelines.

➤ Engineering Geology Report Guideline: The Board reviewed the project schedule and correspondence received in response to a recent newsletter article. Each registrant comment was discussed. The Board acknowledged that some registrants had concerns about the selection process for the project review panel. The Board noted that it is the final decision maker on the review panel membership. The Board also noted that it will not be solely relying on the panel but will also solicit public review.

Valentine explained that the contractor submitted first drafts of a revised guideline and fact sheet in accordance with terms of the contract. The Board noted this but decided not to review these documents in detail. The Board saw a need to let the process move forward instead of trying to pre-determine content for the documents.

The Board discussed the possibility of having a Board member attend a future meeting of the Oregon chapter of the Association of Environmental and Engineering Geologists (AEG) as an additional way to reach out to registrants about the guideline and fact sheet. Valentine was asked to inquire with the local AEG chapter about the possibility of giving a presentation at one of the chapter's future monthly

meetings. Jarvis noted that there may also be an opportunity to share information about the guideline project at other professional organization meetings and suggested the Board monitor for such opportunities. He mentioned the American Water Resources Association meeting in early November 2013 as one such possibility.

The Board discussed a comment received asking about how the guideline might address Oregon-specific issues, such as seismic setting and impact of seismic hazards. Thiessen encouraged monitoring of the guideline development to ensure that the review panel addresses Oregon specific issues such as seismicity. Other members concurred with this. Stroud inquired of McConnell whether her agency has issued any guidance that should be considered in the project, and she said no. The Board decided to let the panel work proceed but to monitor how issues unique to Oregon and the Northwest are ultimately addressed in the work products.

The Board discussed whether it should have a representative on the panel or at the review panel meeting. The Board decided to look for a past Board member to serve as a fifth member of the review panel, as a way to provide some expertise on past regulatory issues and the role of the Board. Valentine was asked to work with the contractor to add this additional panel member. The Board then reviewed four panel members proposed by the contractor and determined that the contractor had met the contract conditions regarding obtaining diverse panel members representing different types of employers and geographic areas. Valentine reported that all those recommended are in good standing with the Board.

➤ Other Guidelines: Chair Yinger opened discussion on the Board's three other guidelines. As an overarching discussion, the Board again confirmed that the guideline documents will address best practices and steer away from describing the guidelines as minimum standards of practice. The Board will include a statement about board authority and also an explanation of guideline purpose. Heinzkill noted that future complainants and technical reviewers may try to use guidelines as standards of practice. The Board agreed this could happen and that this would have to be addressed as an educational matter on a case-by-case basis.

▪ Hydrogeology Report Guideline: Chair Yinger presented edits and reasons for various additions and deletions. The Board agreed that the guideline should include only a high-level summary about other agencies involved with water quality and water quantity management in Oregon instead of detailed information about these programs. McConnell and Jarvis noted that a summary is helpful to those not familiar with the state and needing to work here as it points them to the correct agencies for more information.

Jarvis shared experience with reviewing hydrogeology reports based on the old OSBGE guideline. He saw geologists prepare reports covering every item mentioned in the guidelines even when this resulted in reports containing sections not really needed to support sound decision-making by the client. He recommended that the guideline include a proviso about how not all parts of the theoretical report will be appropriate for all project reports. The rest of the Board members agreed this would be appropriate. Jarvis also noted that some of this past use may have been driven by the strong language in the old guideline about how the Board would use the hydrogeology guideline to determine if reports met minimum standards. He noted that the Board's move towards guidelines as best practice, with the appropriate disclaimers added, should help promote more appropriate use of the guideline.

Thiessen noted that some information in the old guideline related to the Department of Environmental Quality (DEQ) is outdated. As a Board member employed at DEQ, he offered to work with Chair Yinger to provide an updated DEQ perspective. He will also look at how information related to the federal Environmental Protection Agency (EPA) might be updated. Thiessen also pointed out some disconnects between Parts I and II of the guideline, for example inconsistent names for sections.

Jarvis suggested that the modeling section was good for the time the original guideline was prepared but needs some work. He noted updates already made by Yinger but suggested additional discussion be added on new models and techniques. Yinger agreed that he could look at this further and volunteered to work on a second round of edits based on all the input received. His goal is to have a revised version ready for the Board to review at the next work session.

- Geology Report Guideline: Thiessen provided the Board with an update on where he is in the process of reviewing the old guideline for possible edits. He did not present a revised guideline but said he expected to have a draft to share at the next quarterly meeting. Board members appreciated his update and look forward to discussing this guideline at the next work session.

- Professional Practices: Valentine gave an overview of the guideline, which she noted has also been called the “white paper” by the Board in the past. The document never progressed past a draft, with an outline prepared and text drafted for some but not all of the anticipated sections. She and McConnell have revised the outline and been working on adding content. To a lesser extent, they did some minor editing of existing content. Several sections will require input from other board members with appropriate expertise, e.g. environmental geology, engineering geology, etc. McConnell and Valentine noted that some sections of this guideline will need to go through review by counsel to ensure nothing is misstated from a legal perspective. They also suggested that the Board ultimately consider preparation of fact sheets to go along with the document or at least a frequently asked questions companion document to help individuals navigate through the document. McConnell also noted that if the Board publishes this document, it will need to make a commitment to updating it on a regular schedule.

Chair Yinger stated that he went through the revised draft in some detail and thinks it is going down a good path. He thinks the document will have many uses for the Board. He did suggest that the introduction be streamlined. Stroud echoed these comments. Thiessen did not disagree but requested that Valentine and McConnell add some notes into the document summarizing what has been changed from the 2007 draft. Valentine apologized for not doing this and said she would work to accommodate this request.

Jarvis asked for discussion about how the Board might address fields with possible incidental geology practice in the guideline. He raised geoarchaeology as an example and noted that the State Historic Preservation Office (SHPO) regulates in this area. He suggested that the Board be cautious about any guidance addressing when other fields with some incidental geology work are subject to regulation as the public practice of geology. Stroud suggested that perhaps the Board could use a filter based on potential impact to public health and safety. McConnell reminded the Board of past discussions it has had about paleontology and overlap with other professions involved in watershed restoration. This topic was highlighted as an area for further review and discussion.

Valentine asked the Board for input about when to obtain counsel review of this document. The Board directed that this be pursued so that any major issues could be addressed before this reaches a stage where it is ready for public review. Valentine said she would work with McConnell to determine how best to approach the counsel review, such as whether to ask for targeted review of key sections.

- Public Review for Guidelines: The Board discussed the public review process for these three guidelines. The Board decided to employ various methods to solicit public input, such as posting draft revised guidelines on the Board website, and announcing requests for comment in the Board newsletter and/or by separate by email to registrants. The Board also agreed that it would acknowledge the past work on the Hydrogeology Report and Geology Report Guidelines by registrants while explaining that it was time to update these important documents.

Chair Yinger called for a break at 10:35 AM and reconvened the work session at 10:54 AM.

OSBGE & OSBEELS Meeting: Chair Yinger opened discussion on preparations for the upcoming joint meeting of OSBGE and the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS). He reminded the Board that the joint meeting was discussed first at the March 22, 2013 meeting and a meeting date of October 10, 2013 agreed to at the May 31, 2013 meeting. At that time, the Board asked Valentine to help identify issues for discussion during the work session. Valentine presented a proposed meeting agenda, notes regarding the existing memorandum of understanding (MOU) with OSBEELS, and the MOU. With respect to the draft agenda, Valentine explained that she worked with her counterpart at OSBEELS on the agenda. OSBEELS considered the draft agenda at its September 2013 meeting and concluded that it captures the issues they would like to discuss. Valentine said she would work with OSBEELS staff to finalize meeting details including handouts over the next two weeks. This may include a list of possible discussion topics related to the MOU. She will also see that the meeting notice is prepared and distributed.

The Board discussed the existing MOU, with a focus on how the MOU sets forth the responsibilities and procedures for the Joint Compliance Committee (JCC). Valentine offered some comments about the JCC and MOU, stating that she believes there is a need for the JCC or some similar process while acknowledging that the JCC has been challenging to operate in an efficient manner. She hopes the two boards will discuss the priority given to the JCC and how to make it an efficient forum for addressing practice overlap issues. She also suggested that the specific process steps in the MOU are at times unclear, and some may even be unworkable as written. She suggested that the two boards may want to kick off a review of these procedural details, perhaps by providing some direction about development of updated procedures.

Heinzkill commented on his experiences as the Board's compliance coordinator with the JCC and MOU. He strongly believes that OSBGE needs a mechanism to deal with practice overlap cases, and the process needs to hold up to any outside challenge. He said he anticipates the MOU and JCC procedures may need adjustment to improve efficiencies, and he would like to see both boards confirm commitment to the process. He added that despite his questions about the JCC process, he could not readily think up a better approach.

The Board discussed a variety of issues related to the JCC including defining its charge, challenges that could stem from the Committee's limited authority, maintaining committee membership, ensuring the Committee can be convened in an expeditious manner, and how the JCC determines lead board (in practice vs. what is stated in the MOU). The Board also discussed reasons why the two boards should be interested in making this process work. The Board spoke to a few recent complaint cases that required JCC review to help illustrate the discussion.

The Board brainstormed about other possible approaches to working with OSBEELS on practice overlap issues. The Board considered whether the two Boards should have more than one option available. Jarvis asked about the historical number of JCC cases and based on the small number thought that it would be advantageous to have another alternative available. McConnell, while supporting having a method in place to work through overlap, said she was not ready to advocate whether it is JCC or something else that is the preferred option. Chair Yinger raised the idea of a board to board process not involving a special joint committee. Jarvis said he thinks the JCC concept makes sense if both boards can be assured of having board members with the right expertise and the time to volunteer as committee members. He suggested that OSBGE think about proposing an alternative process, as either backup to the JCC or as an alternate path. He thought the Boards might be able to use a neutral mediator on an as-needed basis to work specific practice overlap cases. Thiessen noted that both Boards have new members, including as appointees to the JCC. He suggested this is a good time to review the process and reset the stage as may be necessary to make the JCC process work better. However, he also felt it would be worthwhile to consider alternative processes and to discuss such with OSBEELS.

The Board discussed the mediation idea for some time, and a majority of members thought the idea of an alternative mediation path was an idea worth running past OSBEELS if they expressed uncertainty about the future of the JCC process. Jarvis volunteered to work up some possible language. Heinzkill was not in favor, as he felt OSBGE should obtain counsel advice first and that the idea needed more vetting before being thrown on the table for discussion with OSBEELS. McConnell said she is not in favor of naming a specific mediator or mediation program and agreed with Heinzkill that counsel input beforehand would be preferable. Valentine was concerned about how OSBEELS members might react to a proposal not shared prior to the meeting.

Chair Yinger determined that the Board did not have time to address the last two items from the work session agenda and adjourned the work session at 12:03 PM for a lunch break.

QUARTERLY MEETING MINUTES

Chair Yinger convened the Board for its quarterly meeting at 12:22 PM. Stroud left the meeting at 12:23 for a few minutes, returning during agenda review. The Chair noted that no new visitors were present at this time but were anticipated around 2 PM.

Meeting Agenda Review: The Board did not make changes to the agenda. Valentine pointed out that there is one new agenda item called the Application Review Report that is the result of updated procedures adopted at the May 31, 2013 meeting.

Minutes: *Heinzkill moved to approve the May 31, 2013 minutes as presented. Stroud seconded the motion. Chair Yinger asked for discussion and hearing none called for a vote, and all approved.*

Administrator Report: The Board went over the various parts of the report.

➤ Narrative Report: Valentine asked if board members had any particular questions about her narrative report. Hearing none, she covered a few items that would not be addressed elsewhere during the day.

➤ Updates to Policies/Procedures: Valentine recommended some housekeeping updates to the Operational Guidelines for Board Members. She reviewed the proposed changes with the Board, and the Board had no specific concerns or objections. There was discussion about better aligning the section addressing the JCC with the Board's MOU with OSBEELS. *McConnell moved to adopt Version II with the revisions highlighted and with one additional change to the JCC section to add a reference to the OSBGE-OSBEELS MOU for JCC membership and how the Chair appoints the JCC members as per the MOU. Stroud seconded the motion. Chair Yinger called for discussion, and hearing none called the vote. All approved the motion.*

Valentine notified the Board that the State Archivist review of the Board's draft Records Management and Retention policy is now complete. The policy was submitted for review last fall, with Board support. The policy revisions requested by the State Archivist are modest, and Valentine recommended Board adoption of the policy to be in compliance with state records laws and rules. Valentine commented that with the policy in place, her attention needs to turn to finding a temporary assistant to help with records retention work. Chair Yinger asked if anyone had questions for Valentine or wanted to propose a motion. *Thiessen moved to adopt the Records Management and Retention policy as presented. Jarvis seconded the motion. Chair Yinger confirmed that there was no further need for discussion. He called the vote, and all approved.*

Valentine next explained how the proposed Volunteer policy had been updated in response to Board input provided at the May 31, 2013 meeting. She reminded the Board that the primary purpose of the policy is to establish conditions and procedures under which volunteers will be covered as agents of the Board for purposes of tort liability coverage plus automobile insurance coverage where applicable. She recommended adoption of the policy. In response to a question from Thiessen, Valentine clarified that the policy does not cover Board members as Board members are automatically considered agents of the state and are covered under state tort limits for work that is official board business. She also clarified that the form included in the policy is from the Department of Administrative Services (DAS) Risk Management program. *McConnell moved to adopt the Volunteer policy as presented. Stroud seconded the motion. Chair Yinger asked if there was further discussion. Hearing none, he called the vote, and all approved.*

➤ Updated Revenue/Expense Report for Current Biennium: Valentine noted that there was not much to report for the current biennium given how early it is in the biennium. She suggested the Board look at the final budget report for the 2011-2013 biennium. The Board ended the biennium very close to the projected revenue amount but with savings on the expense side, for a net income. The net balance supports the Board's decision to include a carryover budget line item on the revenue side for 2013-2015. She pointed out some key areas where expenses were lower than projected: travel, dues, computer-related expenses, and attorney fees. The biggest savings were in professional services, largely due to the Board not spending any dollars on guideline updates in the 2011-2013 as was originally anticipated. The first of this work did not start until June 2013 with no payments made in the 2011-2013 biennium.

➤ Approve Quarterly Check/Debit Log: *McConnell moved to approve the check log dated May 18, 2013 through August 31, 2013 for checks #3601 through 3644 and #9192 through 9198 and debits from 5/29/2013 through 8/30/2013. Thiessen seconded the motion. Chair Yinger invited discussion. Upon hearing none, he called the vote, and all approved.* Valentine spoke briefly to how the change in payroll processing from ADP to DAS will result in no longer having the separate set of checks on the check log. DAS will issue stipend checks directly and send one total invoice for all monthly payroll expenses to the Board office. She explained that other payments previously separate will be incorporated into one payment to DAS.

➤ 5-Year Comparison of Changes in Monthly Renewals and Examinations: The Board reviewed the data table and chart. No surprises in renewal patterns were evident.

➤ Update on Edward Jones Investments: Valentine noted that a new CD was purchased. The next anticipated transaction will be in January 2014.

Compliance Report: Heinzkill presented the compliance report as follows:

➤ CC #10-04-013: Respondent agreed to take coursework as part of a settlement agreement.

Recent action: Board asked that course work be completed by June 30, 2013. The Board Administrator received a document stating that the coursework was successfully completed. (See attached.)

Action required: Board needs to accept the document as being sufficient to fulfill the settlement agreement and thereby closing the case.

McConnell moved that the Board accept the coursework and letter as sufficient to fulfill the terms of the Board's settlement agreement with the respondent in CC#10-04-013. Stroud seconded the motion. Chair Yinger confirmed that there was no further discussion. He called the vote, and all approved. Valentine verified that the respondent would get a letter confirming the Board's decision and stating that the case is closed.

- CC #11-12-003: Construction of embankment for roadway. (OSBGE case is closed)

Recent action: At the May meeting, it was reported: “This case closed in December, 2012, with the proviso that if new, relevant information resulted from OSBEELS’s investigation OSBGE may reopen the case. OSBEELS raised questions about another aspect of the case, i.e. if another individual was in responsible charge. OSBEELS asked for discussion at the JCC.” Since then, OSBGE has indicated it was ready to discuss at the JCC, but the JCC has not met due to various circumstances outside of OSBGE’s control.

Action required: Continue efforts to obtain JCC review. Valentine noted that the JCC is scheduled to meet on October 24, 2013.

Thiessen asked Valentine about how the JCC members will get the information needed to understand the cases coming before the Committee. Valentine explained how staff from the two Boards work together to decide on the packet contents and get those distributed prior to a JCC meeting.

- CC#13-01-005: Complaint is that person not registered in the State of Oregon publicly practiced geology. (Chair Yinger noted for the record that he has recused himself from involvement in this case due to potential conflict of interest.)

Recent action: Previously, the Board directed that a letter be sent to OSBEELS asking about scope of practice for a Professional Engineer. OSBGE sent a letter to the full OSBEELS Board in hopes of obtaining a response in a more-timely manner. OSBEELS responded by saying this case needs to go to the JCC. However, the JCC has not met due to various circumstances outside of OSBGE’s control. Also recently a registrant has expressed concerns about the involvement of OSBEELS and charge to the JCC.

Action required: None directly. Monitor for outcomes of October meetings discussed above.

With respect to the case, the Board decided to stay the course it has been pursuing and see where things go after the joint meeting with OSBEELS and the JCC meeting scheduled for October.

The Board also briefly discussed a 1983 Department of Justice opinion addressing practice overlap. OSBEELS provided this as an initial response but also asked for discussion at the JCC. The Board suggested that this 1983 opinion be discussed at the joint meeting with OSBEELS.

- CC#13-01-006 and CC#13-01-007: These cases are related to CC #13-01-005 and are awaiting resolution of issues associated with that case. No action required at this time.

Heinzkill said this concluded his report. At this time, Valentine told the Board that Thiessen recently requested a chance to brief the Board on a possible compliance case. He explained a situation that has come to light in his agency involving two individuals, one being a Board registrant. Agency staff has raised some question about whether the Board registrant might be signing and stamping work that he is not fully in responsible charge of and that instead a non-registrant has prepared. Thiessen said he does not have conclusive information but agreed to keep the Board posted should more information come to light. Valentine confirmed that a complaint has not been filed with the Board office.

Committee Reports: Chair Yinger opened discussion on the committee reports.

- Rules Advisory Committee: The Board reviewed rule language related to adding proctored review services and all comments received in response to the rulemaking notice. The Board also reviewed the companion policies for proctored reviews. Chair Yinger said he was looking for a motion to approve the rules and policies.

Stroud moved to adopt the rule amendments to 809-040-0021. Jarvis seconded the motion. Chair Yinger suggested that the motion could cover both rules. Stroud agreed to amend his motion to adopt the rule amendment for proctored review and updates to OAR 809-010-0001. Jarvis seconded the

amended motion. Chair Yinger opened the motion for discussion. McConnell asked about the setting of a maximum fee. Valentine addressed how staff estimated potential costs and how they do not anticipate proctored reviews involving a lot of staff time or other administrative costs. Chair Yinger noted that maximum also provides some certainty to examination candidates. The Board members agreed that the Board should not make a proctored review too expensive if generally these are not costly to administer.

Thiessen asked about language in 7(b) of 809-040-0021 and asked if the language could be made clearer with respect to a reference to the Board rule. *Stroud revised his motion to add that the rule citation would be added in parentheses in the rule language. Jarvis seconded the revised motion. Chair Yinger asked if there was further discussion. Hearing none, he called the vote, and all approved adoption of the final rule language.*

McConnell moved to adopt the new policies addressing ASBOG and CEG proctored reviews as presented. Jarvis seconded the motion. Chair Yinger, after calling for discussion and hearing none, called for a vote. All approved adoption of these policies.

➤ **Budget:** Chair Yinger and Valentine briefed the Board on updates to the projected personal services expenses and how this lead to a lowered monthly payment from OSLAB compared to the amount anticipated during initial budget development. Valentine noted that the Budget Committee reviewed the revised budget details and approved of the revisions. She offered to provide the detailed information to any other members that would like to review it. She clarified that the Board is looking at line item adjustments but not a need to amend the overall budget, as projected expenses have gone down.

➤ **Legislative:** McConnell provided a quick update on geology and mining related legislation passed in the 2013 regular session. She briefed the Board on designation of official state minerals, establishment of an Oregon Resilience Plan Taskforce to evaluate how the state can implement the state resilience plan for Cascadia Subduction Zone earthquake, new restrictions on surface mining for certain soil classes in the Willamette Valley, and a moratorium on suction permit dredging. This was an informational report only.

Valentine mentioned that there was no legislation passed in the 2013 regular session that directly or indirectly impacts the authority or role of the Board. She has been tracking some administrative changes that impact state operations in areas like human resources. She noted that in the absence of legislative action, the Secretary of State's Office and Governor's Office continue to evaluate possible options for consolidating additional health licensing boards into the Oregon Health Authority. She explained that the Oregon Health Licensing Agency was incorporated into the Oregon Health Authority. She will continue to monitor for any possible impacts on other boards.

Jennie Armstrong with the Oregon Department of Transportation (ODOT) joined the Board at 1:54 PM.

➤ **Joint Compliance Committee:** Stroud reported that the Committee has not met and confirmed that there was nothing further to report. He noted that the Board had discussed the JCC during the AM work session as part of preparations for the upcoming joint meeting with OSBEELS. The JCC is scheduled to meet October 24, 2013.

➤ **CEG Examination Committee:** Stroud asked Valentine to cover issues she summarized in a recent email to committee members. Valentine updated the Board on work occurring via Washington colleagues to investigate possible reciprocity by California and any interest in discussing a regional CEG exam. These colleagues apparently took the idea of a regional CEG exam to AEG representatives and did not find much support or interest in this idea. Valentine reported that she is

also waiting for the Washington board staff to send a revised memorandum of understanding on CEG exam administration to replace the one that expires at the end of the calendar year. She anticipates the Board will need to approve this at the next quarterly meeting.

➤ Outreach: Chair Yinger noted that he did not have a report. He still plans to discuss ideas for future efforts with Committee member Steve Taylor (former Board member).

Application Review Report & Consent Agenda: Chair Yinger walked the Board through the updated process for Board ratification of application decisions delegated to staff. The consent agenda covered approvals issued between the last quarterly meeting and the cutoff date of September 6, 2013. Chair Yinger formally presented the consent agenda to the Board and asked if there were any requests to remove items from the consent agenda. Thiessen asked Valentine for clarification about one of the CEG registrations listed on the agenda. He did not ask for that item to be removed from the consent agenda. Hearing no other discussion or requests to remove items, Yinger asked for a motion to approve the consent agenda. *Stroud moved to approve the consent agenda as presented. Thiessen seconded the motion. Hearing no comments on the motion, Yinger called for a vote, and all approved.*

At 1:45 PM, Kyle Martin, AAG with DOJ, joined the Board.

Given that this was a new procedure, Valentine asked for confirmation that staff provided the correct level of information for the Board's review of the consent agenda. McConnell also explained what she is provided for her review. She stated that staff provides all the information needed to complete a thorough and efficient review. She offered that the process is working well. The Board decided that the information provided was sufficient as a model for future consent agendas.

Chair Yinger called for a break at 2:11 PM. He reconvened the Board at 2:20 PM.

Correspondence/Public Comment: Chair Yinger reminded the Board of the two items under this agenda item and invited ODOT staff to speak to the first item.

➤ Oregon Department of Transportation (ODOT) Memo: Armstrong explained her role with the ODOT Hazards Material Program and summarized that ODOT is looking for some guidance from the Board about stamping and signing standards. Specifically, ODOT has questions related to when a registered geologist (RG) should or should not stamp and sign various project plan sheets and specifications. Some RGs in ODOT are concerned about stamping things that they believe fall outside their professional purview as geologists. Others in ODOT want to see a professional stamp and signature on all plan sheets and specifications and view this as part of the work the RGs are hired to do for ODOT. Curran Mahoney, also from ODOT, joined the conversation at 2:24 PM. The Board proceeded to work through four bulleted items presented in ODOT's memo.

Bullet one addressed assessments to determine the presence or absence of materials as typical of Level 1 environmental site assessment. The Board members asked ODOT staff for some clarifications and ultimately felt that the work described would not involve the public practice of geology. McConnell noted that for work that is not the public practice of geology, a RG could stamp and sign but would not need to do so from the Board's perspective. Thiessen said he can appreciate that RGs on ODOT's staff would be concerned about stamping the items described. ODOT staff and Board members agreed that if site assessments will involve groundwater, then a RG needs to stamp and sign. ODOT staff was clear that those kind of situations are not what is addressed under bullet one.

Bullet two addressed the same work as bullet one but asked if a non-geologist does the work, then does a RG need to oversee. The Board members stated that based on the proposed response to bullet one, it would follow that stamping and signing by a RG is not required.

Bullet three addressed preparation of plan sheets and specifications for a variety of areas such as dealing with contaminants, structures, etc. ODOT staff would like to know if an RG prepares the plan sheets and specifications for these items, does the RG also need to stamp these. Armstrong explained that ODOT typically has all plan sheets and specifications stamped and signed by a licensed professional. Exceptions are for fish passage and wetlands identification because currently those areas are not covered by any licensed profession. Chair Yinger asked about whether ODOT considers monitoring wells and water supply wells to fall under this bullet item. Armstrong stated that ODOT intend this bullet to only cover decommissioning and protection of well and not installation of wells. The Board discussed this, along with how ODOT develops and uses boilerplate specifications. The Board ultimately suggested that this bullet could be modified to remove any concerns about potential practice of geology. If that were done, the Board was leaning towards a determination that the work described in bullet three would not require a RG stamp and signature.

The Board circled back to the issue of whether ODOT is planning to direct its RGs to stamp and sign documents regardless of whether there is any practice of geology involved. Paul Wirfs, also with ODOT, arrived at 2:41 PM in time to address this question. Wirfs explained that a driving force behind ODOT's consideration of these issues has been conversations with OSBEELS. Originally, the state engineer would stamp the cover sheet only. OSBEELS has since indicated that each plan sheet and section of the specifications must be stamped and signed. This has raised questions within ODOT about when stamping and signing is required and who should be stamping and signing various types of specifications and plan sheets. He stated that obtaining an opinion from the Board on what is or is not within the practice of geology and what standard practice is when it comes to stamping and signing would be helpful to ODOT. ODOT does not necessarily want to require RGs to stamp things beyond what is standard practice. Armstrong clarified that staff are willing to sign as professionals but concerned that use of their stamps implies meeting standards for public practice of geology.

The Board discussed that it was not certain of the current standard of practice for stamping and signing cover sheets vs. individual pages in plans and specifications. This issue has not come before the Board recently. The Board was leaning towards a position of recommending RGs not stamp and sign for plans and specifications outside the public practice of geology. Thiessen noted that ODOT management and RGs must realize that even if RGs do not stamp the plans and specification sheets, there would be responsibility to monitor projects to be certain that public practice of geology does not become required or if it does, to have an RG involved.

Chair Yinger asked how ODOT would introduce any new direction on stamping and signing to staff. Wirfs said ODOT would update existing policies, as these give consultants and staff direction. The Board then discussed procedures for providing final input to ODOT. Counsel suggested that the Board receive an updated memo and then reconsider the memo and a draft response at its next meeting. He recommended that the Board then make a motion about its decision. Armstrong and Wirfs committed to submitting a revised memorandum for the Board review. The Board anticipates a decision at its next meeting, followed by a letter from the Board to ODOT. The Board thanked the ODOT staff for taking the time to attend the meeting before they left at 2:52 PM.

➤ Responsible Charge/Work Experience: The Board welcomed guests Carole Denardo and Matthew Steinkamp to the Board meeting. Chair Yinger referred all to letter sent by the Board to Steinkamp regarding his May 2013 application to sit for the ASBOG Practice examination. The Board was appreciative of Denardo and Steinkamp responding to the Board's request to attend a meeting to discuss issues covered in the Board's letter. Chair Yinger invited Denardo and Steinkamp to speak to their roles with Garcia & Associates. Denardo stated that she is the cultural resources manager and Steinkamp a geoarcheologist for the company.

Steinkamp spoke of why he would like to take the Practice exam and ultimately obtain registration. Denardo spoke to Steinkamp's educational background and work experience. They explained that his

work as a geoarcheologist requires knowledge and application of geology such as paleontology, geomorphology, stratigraphy, mineralogy, and grain size analysis. They also stated that Steinkamp is a Qualified Professional Paleontologist recognized by the Society of Vertebrate Paleontology and a Registered Professional Archeologist: these are national certifications and not state registrations. Denardo described Steinkamp to the Board as a geologist by education, training, and experience and said that their clients appreciate his geological background as it helps with cultural resources work. They shared information on the types of clients and projects Garcia & Associates works with. Denardo encouraged the Board to reconsider the responsible charge experience requirements and consider Steinkamp's work with Garcia & Associates as qualifying geology experience for examination and registration purposes. Steinkamp stated that geoarchaeology is a marriage of geology and archaeology and how he has worked with a lot of RGs in the field and had to share his geological expertise and experience with those RGs as they have specialized more narrowly within the geology profession. He feels that he has sufficient practical experience to take the Practice exam. He expressed concern that geoarchaeology is unique enough niche field that he could not find a supervising geologist or if he had one it would be more of a paper process than actual field work supervision.

Yinger asked about where the firm does its work and was told primarily in California (CA). He asked about CA licensure. Steinkamp explained that CA does not require a license to do geoarchaeology work but has some basic standards for education and experience of archaeologists. He further explained that he is seeking geologist registration as a way to give further credibility to his work. McConnell suggested that Steinkamp look into American Institute of Professional Geologists (AIPG) certification as perhaps a better fit for his needs compared to state registration. She acknowledged that geoarchaeology appears to be a unique niche and that it may be hard to find a RG to supervise this work. However, she noted that the Board is limited by statute and rules with respect to accepting work experience not supervised by a geologist. Chair Yinger reiterated the legal parameters around responsible charge, noting how the Board spent significant time in recent years updating rules to be sure the Board was within statutory authority when accepting work experience and approving applications.

Denardo asked if a project requires a geoarcheologist, does it automatically also require a RG. Yinger suggested that one consideration is whether geology is incidental and customary to the profession. Denardo stated that in basic archaeology studies, very little geology is covered, but much more geology is incorporated into studies for geoarchaeology. The Board recommended caution to ensure Steinkamp does not practice geology in Oregon without a license. Steinkamp explained that he did not initially understand how the Board's statutes and rules address responsible charge but now does understand how this is viewed by the Board.

Options for obtaining and documenting acceptable work experience were discussed. Chair Yinger asked for clarification about whether Steinkamp supervises other geologists. Steinkamp said no, that he has worked with RGs as colleagues on projects. Denardo then passed out copies of reports her firm had done which showed examples of geoarcheologist work. After that Board had reviewed them, the reports were returned to Denardo as they contained proprietary information. Yinger suggested that there may be RGs from client companies that have worked with Steinkamp and could provide the needed additional time under RG supervision. Denardo and Steinkamp seemed encouraged by this possibility, as they did not realize a RG outside of Garcia & Associates could provide supervision for purposes of qualifying work experience. Valentine explained how much time is required and how much time has been credited based on information contained in the Board file. She noted that the Board will need to verify registration of any supervising geologist and that time is prorated if project-based or part-time. The Board encouraged Steinkamp to think about whether he could document time worked with geologists where those RGs were ultimately the ones in responsible charge of any public practice of geology. The Board members indicated that they would like to see this ultimately work out for all parties.

Denardo and Steinkamp left the Board meeting at this time. Counsel recommended to the Board that staff send Steinkamp a letter about the re-application process and include a reminder that he cannot engage in practice of geology within Oregon.

Jarvis suggested the Board further evaluate how the State Historic Preservation Office (SHPO) approves geoarcheologists. He understood that SHPO issues a certification and that the Board is looking at a practice overlap issue. Counsel said the Board would need to consider whether a geoarcheologist is practicing geology or doing other work under the scope of any SHPO certification. Counsel offered to research the nature of the SHPO certification. The Board decided to pursue a broader conversation with SHPO to develop a better understanding of what SHPO regulates and what any SHPO certification covers. Staff was asked to invite SHPO representatives to a future Board meeting. The Board also recognized that it may need to further evaluate whether geology practice is only incidental to geoarchaeology, and if not, whether there a line that gets crossed into the public practice of geology.

Old Business: As follow-up from the work session discussion about ongoing work to update the engineering geology report guideline, *Thiessen moved to approve the review panel participants recommended by the Board's contractor with the addition of former Board Member Chris Humphrey, CEG as a fifth member. Stroud seconded the motion. Hearing no discussion on the motion, Chair Yinger called the vote, and all approved.*

Due to concerns about remaining time, Chair Yinger put the rest of old business aside and moved the Board to New Business.

New Business: Chair Yinger noted that the Board needed to decide about sending representatives to the fall Council of Examiners and annual meeting of national Association of State Boards of Geology (ASBOG). The Board discussed the history of attendance for the benefit of newer board members. The Board decided that the Administrator would not attend due to limited sessions open to staff. Thiessen was selected as the choice for a Board delegate. He indicated that he would have to confirm whether he is able to attend and would follow-up with the Administrator after the meeting. The Board then briefly discussed other ASBOG matters related to the upcoming task analysis and other ASBOG requests.

The Board next discussed board member recruitments. Valentine reminded the Board that it is once again nearing a time of transition, with second terms for Chair Yinger and Heinzkill coming to an end in February 2014. She informed the Board that the Governor's Office has several interest forms from registrants on file from previous appointment rounds. A new public member must also be found. Board members were asked to think about others who might be interested in the upcoming vacancies on the Board and to either let Valentine know or ask these individuals to contact the Board office. Valentine recommended inviting prospective candidates to the December 2013 meeting.

Chair Yinger determined there was sufficient time for the Board to review proposed revisions to the technical reviewer form. Valentine reviewed edits proposed prior to the meeting by Heinzkill and said she had not had time to respond to these. The Board provided feedback to Valentine about the changes. She will incorporate the changes requested and then send the revised form to counsel for legal review. The Board will revisit at the next quarterly meeting.

Announcements: Board members and staff had no announcements.

Chair Yinger adjourned the Board at 4:40 PM

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The minutes of the September 20, 2013 quarterly work session and meeting were approved as presented at the December 13, 2013 Board meeting.

Christine Valentine, Administrator