

OREGON STATE BOARD OF GEOLOGIST EXAMINERS

MEETING MINUTES

MARCH 19, 2015

Members Present:

Peter Stroud, RG/CEG, Chair**
Kenneth Thiessen, RG/CEG, Vice Chair
Scott Burns, PhD, RG/CEG
Hans Feige, RG
Ian Madin, RG, State Geologist*

Members Excused:

Stephen Tucker, Public Member

Staff Present:

Christine Valentine, Administrator

Others:

Kyle Martin, AAG, DOJ**
Dale White, Investigator**

(*Ex Officio member, did not vote on motions, **As noted in minutes)

LOCATION: Association Center, 707 13th St. SE, Salem, OR. 2nd Floor, Conf. Room "B"

Welcome/Introductions

At 9:23 AM, Vice Chair Thiessen welcomed all to the meeting and explained that he was serving as Acting Chair for this meeting. He called the roll for the record. Tucker was absent due to illness. Board Chair Stroud was excused due to a scheduling conflict. All other members were present for a quorum. Valentine said that Stroud hoped to participate by phone for part of the afternoon.

Ian Madin, RG, Interim State Geologist, was welcomed to his first OSBGE meeting as a Board member. He updated the Board on his new role and the recruitment process for the State Geologist.

Meeting Agenda Review

Acting Chair Thiessen reviewed the agenda and asked for comments or revisions. Valentine had one additional item to add under the Compliance Report, which was an update on an open but inactive case from 2010. She also said that the Board would be joined by Dale White, the staff investigator for the Architects and Landscape Architects Boards during the Compliance Report. She explained that White is assisting OSBGE with complaint cases on a limited duration basis. She also informed the Board that Kyle Martin, Board counsel, would be joining the Board to present a correspondence item and to participate in the Compliance Report. Board members did not request any other additions to or have questions about the agenda.

Minutes:

Acting Chair Thiessen noted that the Board had minutes from two December meetings to review and approve. He asked if there were any requests for revisions to the minutes. Hearing none, he asked for motions to approve.

Burns moved to approve the Dec. 4, 2014 meeting minutes as presented. Feige seconded the motion. Acting Chair Thiessen verified that there was no discussion on the motion. He then called the vote, and all approved.

Burns moved to approve the Dec. 19, 2014 meeting minutes as presented. Feige seconded the motion. Acting Chair Thiessen verified that there was no discussion on the motion. He then called the vote, and all approved.

Application Review Report & Consent Agenda

Valentine informed the Board that Feige agreed to serve as the Application Review Coordinator with the departure of Vicki McConnell from her post as State Geologist. She thanked Feige for stepping in and keeping the application review process moving. Feige confirmed his willingness to continue in this role.

Acting Chair Thiessen opened discussion on the two parts of the consent agenda. There were no requests to remove items from the consent agenda. Board members briefly discussed the applications approved between Nov. 15, 2014 and Feb. 28, 2015. Acting Chair Thiessen asked for a motion to approve the application portion of the consent agenda.

Feige moved to approve the consent agenda for exam and registration applications. Acting Chair Thiessen confirmed for the record that the dates covered were Nov. 15, 2014 through Feb. 28, 2015. Burns seconded the motion. Hearing no comments on the motion, Acting Chair Thiessen called the vote, and all approved.

Next Board members reviewed the payments log covering debits Nov. 14, 2014 through Feb. 28, 2015 and checks 3852 to 3889. Madin inquired about the payments to Pioneer Trust Bank as he was not familiar with the Board's financial institution. Valentine explained that as a semi-independent agency the Board conducts its banking outside of the State Treasury. Feige asked Valentine to confirm that one of the payments was to the Board's IT provider.

Feige moved to approve the consent agenda for debits Nov. 14, 2014 through Feb. 28, 2015 and checks 3852 to 3889. Burns seconded the motion. Acting Chair Thiessen asked if there was any discussion. Hearing none, he called the vote, and all approved.

Administrator Report

➤ Recommended 2015-2017 Budget: Valentine presented her recommended budget for the 2015-2017 biennium and the associated amendment to the Budget Rule. She briefly addressed the Budget Committee role in the budget development process and her appreciation to Chair Stroud and former member McConnell for the questions and feedback they provided on her draft budget. Valentine reminded the Board that its budget is set through the rulemaking process. She said this is unique to semi-independent state agencies; other state agencies have their budgets set through the legislative process. She explained that the Board adopts the maximum expenditure amount in rule as the budget for the biennium. However, the budget detail is also essentially adopted by reference as part of the process and is made available for public review as part of the rulemaking notice process. She reviewed the proposed rulemaking schedule. She noted that the Board could take more time to review the budget so long as the Board completes the rulemaking process before

July 1, 2015. Valentine also provided a copy of how the budget rule amendment would read if the Board moves forward with the recommended budget as presented.

Valentine summarized that revenues were projected as relatively flat with expenses increasing, primarily in non-discretionary spending. She said the Board would again have to draw from financial reserves to balance the budget but that the reserve is strong enough to support this without having to raise fees at this time. She cautioned that the Board would need to track the budget actuals in 2015-2017 and may need to consider fee increases in coming years. The expenses in the recommended budget may be maximum expenses, barring some unforeseen and substantial expense, with actual expenses coming in lower. The budget was built with some contingency in the expense side, and staff will continue to work with the Board to contain costs. She also clarified that the Board needs to indicate if it is ready to authorize issuance of rulemaking notice for the 2015-2017 recommended budget.

She asked if the Board had any questions about specific line items or budget assumptions. Burns had Valentine confirm that budget actuals were considered in developing the recommended budget and recalled the Board's discussion of the draft budget at the Dec. 4, 2014 meeting. Valentine confirmed and gave an overview of how various revenues and expenses were estimated. She also discussed the Board's reserve policy, specifically how this is now used to guide budget development and estimates for the reserve fund at the end of the 2015-2017 biennium. Valentine also shared an analysis of the registrant pool by age that was prepared to assess the potential impact of retirements and reduced renewal fees. The Board discussed this data in relation to national demographic trends and agreed that it would be good to track how the registrant pool evolves in the next few years. Acting Chair Thiessen asked if Board members had any other questions about the recommended budget. Hearing none, he asked for a motion on the budget.

Burns moved to authorize issuance of rulemaking notice for the rule amendments necessary to adopt the 2015-2017 budget. Feige seconded the motion. Thiessen summarized the budget expenditure and asked for any final comments. Hearing none, he called the vote, and all approved.

➤ Narrative Report: Valentine referred the Board members to her narrative report and highlighted the following items: (1) proposal for a new interagency agreement to extend the temporary arrangement for administrative services through the 2015-2017 biennium, (2) ongoing work to update OSBGE's business continuity plan, (3) reminder about timely submittal of Travel Expense Detail Sheets (TEDS) for reimbursement of private vehicle mileage or other reimbursable expenses, (4) status of the online payment/renewal project, (5) legislative tracking list and legislative process guidance, (6) thanked Thiessen for assisting with the March exams and discussed with the Board options for identifying more potential proctors, (8) feedback from the Legislative Fiscal Office via the November 2014 SIBA meeting, and (9) a proposed contract with a qualified certified public accountant to complete a financial review for the 2013-2015 biennium. On (9), Valentine requested the Board's approval of her finalizing negotiations on the contract and referred the Board to the draft.

Burns moved to accept Valentine's recommendation to finalize contract negotiations with Pamela Stroebe, CPA for the 2013-2015 financial review. Feige seconded the motion. Acting Chair Thiessen asked for clarification of the estimated cost. Valentine said it would be a not to exceed contract of \$10,000 but with the Board only paying for actual hours worked. Thiessen asked if there were any other comments. Burns talked about his experience with other boards and said based on that experience he thought the cost looked

reasonable and thought the CPA selected looked good. Hearing no further comments, Acting Chair Thiessen called the vote, and all approved.

Valentine raised two items not covered in narrative report. She informed the Board that staff is working on a recent public records request. She said having the updated public records rule in place has been helpful and that the requester has been given an estimate of costs to research and provide any responsive records. She said the request related to possible Board interpretations and reports from 2000 to 2002 and noted how researching older records comes with various challenges. Madin mentioned the need to review the documents before providing copies.

Valentine next shared with the Board research by staff into fees associated with current investments. This was completed at the Board's request. The Board concluded that the way fees are calculated was not very transparent and decided that it would be beneficial to transfer funds to other investments at the Board's primary financial institution, Pioneer Trust Bank. The Board discussed the option of pulling all CD funds at once, which would result in some losses, or pulling funds as individual CDs mature. CDs and money market accounts were discussed as available investment options. Valentine mentioned how FDIC insurance applies to various accounts.

Burns moved to direct staff to pull funds from the Board's Edward Jones account whenever a CD held with Edward Jones matures and to then reinvest those funds at Pioneer Trust Bank. Feige seconded the motion. Thiessen suggested that the Board give staff discretion to decide on whether to invest funds in a money market or new CDs. Burns agreed to amend the motion in this manner, which was seconded by all. Acting Chair Thiessen called the vote, and all approved.

➤ Action List: Valentine handed out the action list. The Board decided not to review it in detail since most of the action items were already on the agenda for discussion or updates.

➤ Quarterly Revenue/Expense Report: The Board reviewed the quarterly budget report. There were no questions or comments.

➤ 5-Year Comparison of Renewals: The Board reviewed the renewal history. Board members briefly discussed the non-renewal rates and the registrant total for the last several years.

Acting Chair Thiessen called for a break at 10:55 AM. He reconvened the Board at 11:09 AM and opened discussion of the Correspondence agenda item.

Correspondence

➤ Slope Stability Reports Letter: The Board reviewed a Jan. 22, 2015 letter to DOGAMI responding to questions about review of slope stability reports for mine sites. Valentine explained the inquiry received and how Stroud, Thiessen and she based the letter on past Board interpretations and discussion in guidance documents. She said that there has been no feedback to Board office. Madin said the Board's response would help DOGAMI determine qualifications for future contracts for report review. Board members discussed how the nexus with civil projects triggers the need for a certified engineering geologist instead of a registered geologist.

➤ State Geologist Recruitment Letter: The Board next reviewed a Feb. 23, 2015 letter to the DOGAMI Governing Board providing the Board's position on the need for the State Geologist to either be a Registered Geologist or an individual able to achieve registration within one year of hire. Madin explained that DOGAMI statutes do not speak to registration for the State Geologist. But he said the DOGAMI Governing Board understands the registration issue, and he expects the

Board will take the OSBGE advisory letter to heart. Valentine informed Board members that OSBGE sent a similar letter in 2003, which was the last time of transition between State Geologists.

➤ CEG Exam Comity: The Board reviewed a March 11, 2015 letter to the California Board for Professional Engineers, Land Surveyors, and Geologists regarding recognition of the engineering geology exam. Acting Chair Thiessen spoke to this letter and explained the work of the WA Geology Licensing Board to address exam comity with the California Board. He mentioned how at one point the Washington Board was thinking of no longer accepting the California engineering geology exam so this is a big sea change and good news for west coast engineering geologists. Chair Stroud's discussion with contacts with the California Board was also mentioned. All were pleased to hear about the California Board accepting the WA CEG exam and how it appeared imminent that the California Board would confirm that the approval applied to the exam regardless of whether taken in Washington or Oregon. Valentine said her understanding was that the OSBGE letter request would be acted on in mid-April.

➤ Announcement Request: Valentine presented an e-mail to OSBGE dated Jan. 16, 2015 from the Assoc. of Environmental and Engineering Geologists (AEG) requesting that the Board send the AEG annual meeting announcement to registrants. Valentine explained why staff does not broadcast emails to registrants unless it is for Board business. She also said that in the past the Board newsletter has not generally been used to disseminate information from professional organizations but welcomed the Board's input on this. Various issues were discussed with the Board deciding that the Administrator could make case by case decisions under general Board guidance that any news shared needed to have an educational value to registrants and not be an advertisement or job posting. It was also determined that there would need to be room in a newsletter and the timing of requests would need to align with newsletter issuance timeframes. The Board deferred to Valentine to make decisions about space and deadlines.

The Board was joined by Kyle Martin, Board counsel, at 11:30 AM.

➤ Fee Waiver Request: Valentine next presented a letter dated Feb. 4, 2015 to OSBGE from a registrant. The registrant has requested a fee waiver. Valentine said staff does not have discretion to reduce or waive Board fees. She said in reviewing the fee rule she also does not see where the Board has ability under existing rule language to waive or reduce. Counsel said the Board would have to amend rule to have provision for waiver or reduction. The Board determined that it needed to stay within the rule. Valentine was directed to inform the registrant that the Board is very sorry for his loss and understands the impact on his schedule but that the fee cannot be waived under the current rule.

➤ Attorney Advice – Public Records: Acting Chair Thiessen said the Board next needed to review an advice memorandum from Board counsel related to public records. Martin was introduced to Burns and Madin as the newest Board members. At 11:38 AM, Acting Chair Thiessen announced that the Board was entering Executive Session to consider written advice from counsel per ORS 192.660(2)(f) and read the script.

At 11:58 AM, Acting Chair Thiessen announced that the Board was returning to public session. No decisions were made by the Board during the Executive Session. He called for a short lunch break. Dale White joined the Board during the lunch break. Thiessen reconvened the Board at 12:18 PM and opened discussion on the Compliance Report.

Compliance Report

White introduced himself to the Board and explained his background with investigative work. Valentine supplemented this some based on her experience working with White outside of OSBGE and then said she would present the compliance report in Tucker's absence.

She first asked the Board to think about whether case names and numbers or individual names would be used when discussing cases. She explained the history of the Board's decision to not include names in meeting minutes even though names are not confidential and complaints need to be released on receipt of a request. Acting Chair Thiessen asked Martin for input on this. Martin confirmed that the names are public information but that minutes could be an accurate summary of the Board's discussion with either names or case number references. He noted that a person could request names for any case. The Board elected to stay with case numbers in minutes. Valentine thanked the Board for considering this issue.

➤ CC#10-01-003: Valentine reminded the Board that she asked to add one item under the Compliance Report agenda item. She presented a memo to the Board regarding CC#10-01-003, an inactive but open case. The memo presented two options as to how to handle this older case and requested Board direction. Board members reviewed the memo and understood the final order was never successfully served due to lack of serviceable address for the respondent. Feige asked about whether White could help with a search. Valentine asked White to comment on this, and he reviewed some possible options. Martin also provided input on options. The Board debated whether to spend more resources in trying to find the respondent and discussed the pros and cons of closing the case without further effort. The Board discussed that the respondent may be retired and is most likely out of state. The Board has no evidence that he is practicing in Oregon or otherwise causing harm to Oregonians. Acting Chair Thiessen asked Martin if there a statute of limitations. Martin said no but the final order is not enforceable until it is served. When served, the respondent then has rights to appeal. The Board ultimately gave direction to have Valentine work with White to conduct one last search for the respondent and to report back at the May 29, 2015 Board meeting.

Valentine referred the Board to the OSBGE active case list and reviewed the discussion needed on each item. The Board had three active, open cases involving written complaints, two filed in October 2014 and one in February 2015. Valentine said that Board review and direction is requested for CC#14-10-001, and noted that the case materials include an attorney-client confidential report. Valentine said the Board would be updated on the ongoing investigations for CC#14-10-002 and CC#15-02-003.

➤ CC#14-10-001: Valentine reviewed the materials in the packet, and a quick summary of the case was provided. This case involves one registrant filing a complaint against another registrant with allegations of negligence in the public practice of geology. The complaint is based on a Phase II site assessment report prepared by the respondent. Valentine explained that a technical reviewer was enlisted per Board protocol to provide an independent evaluation of the technical issues involved in this case. The Board members understood the case materials and determined that they needed to discuss the technical reviewer report.

At 12:54 PM, Acting Chair Thiessen announced that the Board was entering Executive Session to consider documents exempt from disclosure per ORS 192.660(2)(f) and read the script.

At 1:30 PM, Acting Chair Thiessen returned the Board to public session. No decisions were made by the Board during the Executive Session. For the record, Chair Stroud called into the meeting at

1:28 PM during the Executive Session and participated by telephone for the duration of the meeting.

The Board continued with its discussion of CC#14-10-001. Board members reviewed the various documents that made up the respondent's submittal to the Board. Board members confirmed concerns about standard of practice and possible violations. Martin reminded the Board of how the contested case process works should the Board ultimately decide to pursue disciplinary action. Valentine reviewed the statutory options the Board has for disciplinary action. There was consensus that the Board needed to discuss its concerns with the respondent and to withhold any decision on disciplinary action as conversation with the respondent could provide additional information relevant to the case. The Board found that several issues needed to be clarified and that the respondent needed to be given an opportunity to respond to new issues raised in the technical reviewer report.

Board members discussed three options for discussion with the respondent - a letter, a meeting with a Board member, or requesting her attendance at the May 29, 2015 Board meeting. The Board discussed whether to request additional documents such as other Phase II reports. Martin suggested that the Board talk with the respondent as proposed before expanding the scope of its review. Martin confirmed that a meeting could be held outside of a regular Board meeting provided it did not involve a quorum of members. The Board opted for a fact finding meeting with White or Valentine in attendance along with a Board member. Valentine mentioned a recent case where she and Chair Stroud held an informational meeting with the respondent. She viewed the meeting in that case as helpful in moving towards case resolution. Chair Stroud agreed that the meeting proved a successful approach in that case. He noted that there is no guarantee of a respondent being cooperative with a meeting request but that he suspected the respondent would recognize the importance of participation. Ultimately, Feige volunteered to take the lead for the Board on this meeting with assistance from White and Valentine. The Board wanted the meeting to occur between the quarterly meetings, with a report from Feige at the May 29, 2015 meeting to support possible Board action on the case at that time. The Board left open the possibility of inviting the respondent to the May 29, 2015 meeting dependent on what Feige recommends after his meeting. This concluded the Board's discussion of the case.

➤ CC#14-10-002: Valentine reviewed this case with the Board and described it as involving a citizen's complaint against a registrant. The complainant raised issues about possible unethical conduct by the registrant. The investigation plan was mentioned and the key issues raised by the complainant summarized. White said he would be contacting the registrant and other parties as part of the investigation. He explained what he had done to date with the case and summarized the primary case issues.

➤ CC#15-02-003: Valentine reviewed the case with the Board and described it as involving a registrant complaint against a non-registrant environmental professional. The complaint raises issues of possible practice of geology by the non-registrant. Valentine said she is working to determine what information is needed to support the Board's review of the case. She said the respondent has been contacted and recently replied in writing. She mentioned that she asked Feige for some general information about Phase I and II reports to help her determine how to best to prepare information to support the Board's analysis of the case. Thiessen reminded Valentine about the Board's guidance on Phase I and II work found in the Professional Practices Guidance Document (May 2014).

➤ OSBEELS Complaint Referral: Acting Chair Thiessen opened discussion on the complaint referred by OSBEELS against an OSBGE registrant. He gave an overview and reminded the

Board of how this issue came to OSBGE via the Joint Compliance Committee (JCC). He summarized that a neighbor upset with a private road construction project filed complaints with OSBEELS against multiple professionals involved in the road construction project. The OSBGE registrant had a role in the project and provided a letter report to the project engineer. OSBEELS felt that a reference to differential settlement in the registrant's letter raised the issue of practice of engineering or engineering geology. The registrant is not a certified engineering geologist.

It was noted that this OSBEELS complaint was first discussed by the Board at its Dec. 4, 2014 meeting and direction was given then to contact the registrant. The Board reviewed the letter that was sent to the registrant and his response. Acting Chair Thiessen asked for discussion of whether the registrant's letter was fully responsive. Board members were concerned that the registrant appears to have practiced engineering geology in this case. Discussion ensued about next steps, and it was determined that the Board needed to open an official complaint investigation. White was asked to help with the investigation since he would be contacting the registrant involved in relation to CC# 14-10-002.

Acting Chair Thiessen moved to open an investigation into possible violations of practice of geology by the registered geologist named as the respondent in the complaint referred from OSBEELS. Feige seconded the motion. The motion was discussed. Chair Stroud said he thought Acting Chair Thiessen covered the background well and agreed that a formal investigation was warranted. Burns concurred and said the case appears to involve work at the boundary of Registered Geologist vs. Certified Engineering Geologist practice. He thought the Board needed to look more closely at where the line might have been crossed. Acting Chair Thiessen said he expected a different response from the registrant but based on the response received believes there could be a misunderstanding about the line between geology and engineering geology practice. Hearing no further discussion, Acting Chair Thiessen called the vote. Chair Stroud, Feige, Burns, and Thiessen voted on this motion, and all voted yes.

The case was assigned as CC#15-03-004.

➤ AIPG Ethics Case: Acting Chair Thiessen summarized his understanding of the issues involved in the ethics case brought by the American Institute of Professional Geologists (AIPG) against an OSBGE registrant. He noted that the work in question was done by the registrant in Idaho following Canadian guidelines and was related to geologic evaluation related to potential for fracking. The AIPG felt the registrant did not do good work. He noted that while the individual is an Oregon registrant, none of the work in question occurred in Oregon. As a result, it was unclear whether the Board had jurisdiction. However, it was noted that the Board has a role in overseeing the conduct of registrants.

Burns spoke to the history of AIPG certification and how it started before states had geologist licensing. He said the AIPG has long had a process to review complaints but with the shift to state practice regulation in most states, the importance of AIPG complaint reviews has been greatly decreased. Burns postulated that the AIPG sent the complaint as an advisory to OSBGE as the regulatory board. He suggested the information be kept in the registrant's file. Valentine said this could be done but that the AIPG complaint could not be reported as a disciplinary matter. Martin recommended that the Board ask the State of Idaho if it is reviewing the registrant related to the AIPG case since the work was done in that state, and the individual is also apparently registered in Idaho. It was noted that the individual also lists registration in California. Valentine was asked to inquiry with Idaho and California about any investigations or actions taken based on the AIPG complaint and to report her findings to the Board at the May 29, 2015 meeting.

Acting Chair Thiessen called for a break at 2:27 PM. White and Martin left the meeting at this time. Thiessen reconvened the Board at 2:39 PM and opened discussion on the Committee Reports.

Committee Reports

➤ Rules Advisory: Feige presented a short report covering the filing of the rule amendments adopted by the Board at the Dec. 4, 2014 meeting and the need to complete a few five year rule reviews in the 2015-2017 biennium. He noted that no rules were being actively reviewed by the Board.

➤ Joint Compliance: Acting Chair Thiessen presented an update starting with mention of the last committee meeting February 5, 2015. He noted the Board's earlier discussion about a case referred by the JCC and said no new cases were raised at the last meeting. He updated the Board on the committee's ongoing work to complete a new memorandum of understanding (MOU) to guide the committee. The committee members see the MOU as a key document for guiding how the committee functions. Valentine informed the Board that the final draft MOU should be ready for the committee to review at its next meeting in early May. She anticipated the committee making a recommendation on the MOU to the boards at that meeting. As a result, she anticipates the MOU will be ready for Board review at its May 29, 2015 meeting.

Thiessen next spoke to old attorney general opinion on practice overlap that has been the subject of discussion at several committee meetings. This opinion came out not many years after geologist registration started and looked at what geology work an engineer could do. The legal analysis was based primarily on case law from other states. The Boards asked the committee to consider what questions might be asked in a request to the Department of Justice to update the opinion. The committee has discussed possible questions and whether review will be useful and thus worth the expense. As of the last committee meeting, Thiessen said there seemed to be consensus in focusing on the MOU as the key document and not pursuing DOJ review of the old opinion.

Burns had to leave meeting briefly to take a phone call and the meeting was halted briefly between 2:48 and 2:50.

Acting Chair Thiessen continued with the discussion of the old opinion. He explained that counsel talked to the committee about the relevance of the old opinion and said the boards are only bound by the opinion to the extent it remains applicable. Counsel also pointed out why much of the opinion is likely not applicable anymore. The committee was advised that it has flexibility to work under the proposed MOU. Burns said he would be concerned if DOJ came out with a very prescriptive list of who can do what as he thinks it is important to focus on an individual's experience and training to determine scope of practice. He said engineers have this as a tenant of their practice requirements and OSBGE should have the same. He also noted that national and international committees have not been able to agree on how to define scope of practices for engineering geologists vs. engineers. Feige offered that the Boards will learn over time through the JCC working cases. The case outcomes will help define current practice lines and problem areas. Board members noted that today certified engineering geologists and engineers are generally working well together in Oregon. It was noted that there are some states where there is a lot of confrontation between the professions. Valentine mentioned her recollection that the committee also realized there would be no control over the DOJ analysis and outcomes while the analysis would be costly because an issue involving two state agencies triggers a higher level of review. The JCC members were going to take this message back to their respective full boards.

➤ CEG Examination: Acting Chair Thiessen noted that the Board already discussed the issue of exam comity among Washington, Oregon and California. He hopes that issue will be fully resolved by the next Board meeting in late May. He did not have any further report.

➤ Legislative: Valentine covered legislative matters earlier under the Administrator's Report. Madin mentioned a few bills that relate to DOGAMI. HB 3007 would, under certain circumstances, shorten the time DOGAMI has to review mine permits. HB 3412 would require DOGAMI to develop a comprehensive landslide mitigation program with a possible appropriation to fund the work. HB 3415 would set a 10 year fracking ban in Oregon. With respect to HB 3415, the Board briefly discussed a recent USGS report addressing fracking and the overall potential for fracking in Oregon. Madin mentioned that there are other bills that would require DOGAMI to study the impact of mining in Oregon, conduct a biennial mineral resource evaluation, and evaluate the permit process but none have associated appropriations. SB 778 would give DOGAMI authority over the siting of new structures in the tsunami inundation zone.

➤ Outreach: Burns noted that he is the new committee chair but that he has not yet been able to work on outreach activities. Acting Chair Thiessen shared a draft outreach document intended for use in future meetings with state agencies. He also said he and Valentine have discussed using this document to craft a lead article for the next newsletter. This stemmed from the Board's past discussions about revisiting outreach to state agencies as an activity that has not been undertaken in some time. The concern is that state agencies have geologists on staff and there could be confusion about practice issues including stamping and signing requirements given the lack of recent outreach. The Board identified the Departments of Environmental Quality, Forestry, Geology and Mineral Industries, Transportation and Water Resources as agencies that might benefit from Board outreach. There was discussion that the information developed for these efforts might also flow into future outreach with local governments.

Thiessen posed three scenarios that geologists employed with state government might face and asked for the Board's consideration and input. He requested this to help guide future discussions with state agency representatives. Thiessen mentioned that his questions stemmed partially from review of an older memorandum from a past agency director where a list of actions by staff geologists were identified as public practice.

- Scenario 1: Agency geologist takes original field data from a report submitted to the agency, reevaluates the data and re-plots information upon noticing problems with the report and prepares a comment letter using these new findings. The Board concluded that the agency geologist would be publicly practicing geology by performing original work. The agency comment letter should be stamped and signed.
- Scenario 2: Agency geologist is asked to review geological portions of a submitted report for a non-registered project manager. The Board felt that this was the public practice of geology and that if done by a non-registrant would need to be under the supervision of a registrant. The Board also concluded that the registrant should stamp and co-sign the comment letter as otherwise it would appear that the non-registered project manager had practiced geology.
- Scenario 3: Agency geologist reviews a well-done geological report and finds no problems. The agency geologist approves the geological report with a brief letter. The Board leaned toward viewing this agency approval letter as public practice requiring a

stamp and signature since the agency geologist applied specialized knowledge to review and approve the report.

In summary, Board members discussed that state agencies need to be role models with respect to public practice of geology. The Board directed that the draft outreach document be used as an exploratory exercise and recommended starting with the Department of Environmental Quality since Thiessen has contacts there. This will give the Board a chance to taken any lessons learned and then adjust outreach to other state agencies. As part of this outreach, the Board will ultimately ask for input from state geologists in other state agencies and from management within those agencies. Madin said he would research DOGAMI practices and may reach out to his counterparts in neighboring states to see how they deal with stamping and signing by geologists on staff at their state agencies.

Burns recommended that the Board also begin preparations for outreach with geologists in academia. Outreach goals would be to dialogue about the limitations of the registration exemption for teaching and research and to seek support for educating students about registration.

Valentine reminded the Board that it needed to decide on which quarterly meeting would be combined with a student outreach event. Burns reviewed the academic calendar and suggested the May 29, 2015 meeting as the best option. Burns volunteered to speak to colleagues at Oregon State University about having a Board meeting hosted there.

Strategic Initiatives Update

The Board decided to pass on this agenda item.

Public Comment

Acting Chair Thiessen noted that there were no visitors present.

New Business

The Board reviewed news about changes in management at the Association of State Boards of Geology (ASBOG). The Board also discussed an ASBOG meeting planned for next August in Portland and how there might be an opportunity for the Board to engage with ASBOG.

The Board reviewed the DOGAMI Strategic Framework for 2015-2021. Board members complimented DOGAMI staff on the informative and attractive document. Burns suggested that DOGAMI provide copies to all university professors.

Acting Chair Thiessen suggested that the Board consider the issue of voting by the ex officio member. Valentine said the policy is incorporated in the Board's operational policies but noted that there is nothing in rule or statute. She believes the policy was driven by former member McConnell and suggested it might be worthwhile to understand her views about this. Madin said he would talk to McConnell and follow up with the Board.

Announcements

There were no announcements. Acting Chair Thiessen adjourned the meeting at 3:47 PM.

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The minutes of the March 19, 2015 quarterly meeting were approved as presented at the May 29, 2015 quarterly Board meeting.

Christine Valentine, Administrator