

KEY TO RULE AMENDMENTS

~~Strikeout text~~ = rule text proposed for deletion

Underlined text = new rule text proposed for adoption

809-010-0001

Fees

Fees, as established by the Board of Geologist Examiners, are:

Examinations

(1) Fundamental Section of the national examination for Geologist registration — an amount equal to the actual cost of purchasing this portion of the exam from ASBOG.

(2) Practice Section of the national examination for Geologist registration — an amount equal to the actual cost of purchasing this portion of the exam from ASBOG.

(3) Examination for Engineering Geologist certification — \$200.00.

(4) Manual rescoring or proctored review:

(a) For ASBOG manual rescoring request only — an amount equal to the actual cost charged by ASBOG for this service;

(b) For ASBOG proctored review request only — an amount equal to the actual cost charged by ASBOG for this service; and

(c) In addition to (a) & (b) and for all Certified Engineering Geology exam-related requests, an amount payable to the Board for the actual administrative costs of providing the service, including any costs for staff or Board member time, copies, postage, and other processing costs, up to a maximum of \$100.00 payable to the Board per request.

Registration and Renewal

(5) Geologist-in-Training initial registration and annual renewal — \$50.00.

(6) Geologist initial registration and annual renewal — \$100.00.

(a) For a Geologist-in-Training issued an initial geologist registration, a prorated fee is refunded at the time of the initial issuance of registration to account for the remaining time period covered by the last annual registration fee paid for Geologist-in-Training registration.

(7) Engineering Geologist initial certification and annual renewal — \$75.00. Engineering Geologist must have a current Geologist registration.

(a) For a Certified Engineering Geologist, the initial certification fee for the specialty registration is prorated to set the renewal date concurrent with the registrant's existing geologist registration.

(8) Duplicate or replacement of lost, destroyed, or mutilated registration card or wall certificate — ~~\$25.00; duplicate or replacement of lost, destroyed, or mutilated wall certificate~~ — \$25.00.

(9) Restoration (late) fee if postmarked:

(a) One to ninety days after due date: \$25.00;

(b) Ninety-one to one-hundred seventy-nine days after due date: \$50;

(c) Over one-hundred seventy-nine days after due date: \$100.

(10) Renewal of registration by Geologist, if registrantapplicant is 70 years of age or over by renewal date — \$15.00.

(11) Renewal of certification by Engineering Geologist, if registrantapplicant is 70 years of age or over by renewal date — \$15.00.

Miscellaneous

(12) Application Fee — \$75.00. This fee is to accompany any application for registration or examination and any reapplication for examination.

(13) Temporary Permit Fee — \$100.00. This fee is to accompany any notification per 672.545(3)(b).

(14) File Maintenance Fee — \$25.00 per request. This fee is to cover maintaining examination files for passing examinees who do not register in Oregon.

(15) Fee for a list of all registrants — \$50.00.

Stat. Auth.: ORS 182.466, 670.310 & 672.705

Stats. Implemented: ORS 672.705

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DIVISION 15

RENEWALS, RESTORATIONS

809-015-0000

Renewal

(1) Annual registration renewal date ~~Certificate of registration expires is~~ as follows:

(a) For a Geologist-in-Training, the last day of the ~~anniversary~~ month of the initial date of issuance;

(b) For a Registered Geologist, the last day of the ~~anniversary~~ month of the initial date of issuance;

(c) For a Certified Engineering Geologist, ~~when the anniversary date is other than the renewal date for geologist registration, shall pay an initial prorated fee- the certification renewal date is set concurrent with the geologist registration so the specialty renewal date will then become the same date as the geologist registration renewal dates specified in (b).~~

(2) Renewals filed with the Board after the renewal date are subject to a restoration (late) fee as specified in OAR 809-010-0001.

(3) Expiration date for purposes of annual renewal is the next calendar day after the renewal date. If a renewal, including payment of fees, is not completed on or before the renewal date, then the registration is not active unless restored. This is also referred to as lapsed registration. Restoration of registration must be completed as specified in OAR 809-015-0005 in order for the registrant to publicly practice geology under the registration. A certificate of registration must be renewed and the renewal fee paid before the date specified in section one of this rule.

(4) As part of a renewal application, a registrant shall verify, and update as applicable, the following contact information:

(a) Home (personal) mailing address and phone number;

(b) Work mailing address and phone number, if applicable;

(c) One preferred mailing address, i.e., home (personal) or work; and

(d) One preferred email address.

Stat. Auth.: ORS ~~183,192~~670.310 & 672.585
Stats. Implemented: ORS 672.585

809-015-0005

Restoration

(1) An ~~expired~~ registration not renewed on or before the renewal date may be ~~reinstated~~restored to active status within five years of the renewal date without reapplication or retaking of an examination.

(2) To restore a registration~~reinstate an expired registration~~, a Registered Geologist, Certified Engineering Geologist, or Geologist-in-Training must make a written request to the Board for restoration and pay:

(a) The applicable annual registration fees for all years in which the registration was not renewed~~expired~~;

(b) The annual renewal fee for the current year; and

(c) The applicable restoration (late) fee.

~~(3) A restoration fee is required to reinstate an expired registration.~~

Stat. Auth.: ORS ~~183,192~~670.310 & 672.585
Stats. Implemented: ORS 672.585

809-015-0010

Non-restoration

(1) After five consecutive years of non-renewal, a registration can no longer be restored~~expires~~.

(2) A person past the 5 year restoration window~~with an expired registration~~ must re-apply as a new applicant, meeting all current Board requirements for registration. This includes but is not limited to and passage of national and specialty examinations required by the Board unless previously passed as verified by the Board. ~~or apply by cooperative licensure if eligible. (See 809-050-0010.)~~

(3) ~~When the certificate number of a registrant expires, u~~Upon reapplication to the Board for a new registration and/or passing the examination, a previous the original certificate registration number shall not be reinstated.

Stat. Auth.: ORS ~~183,192~~670.310 & 672.585
Stats. Implemented: ORS ~~183.341, 183.355, 183,192,~~ 672.585

809-015-0015

Geologist-in-Training

~~Geologist-in-training registration will be issued on a year to year basis or until the registrant becomes a Registered Geologist.~~

~~Stat. Auth.: ORS 183, ORS 192 & 672~~

~~Stats. Implemented: ORS 183.341, ORS 183.355, ORS 183, ORS 192 & ORS 672~~

~~Hist.: GE 1(Temp), f. & ef. 11-3-77; GE 2, f. & ef. 12-13-77; GE 3-1978(Temp), f. & ef. 12-15-78; GE 1-1981, f. & ef. 8-3-81; GE 1-1984, f. & ef. 2-1-84; BGE 2-1999, f. & cert. ef. 11-8-99; BGE 2-2002, f. & cert. ef. 4-15-02~~

809-015-0020 {No changes to this rule.}

Reissuance of Revoked Registration

At its discretion, the Board may reissue a revoked certificate of registration according to ORS 672.685 under the following conditions:

- (1) Submission of a written request for reissuance by the revoked registrant;
- (2) Receipt of written documentation demonstrating good cause to justify the reissuance;
- (3) Submission of all application materials meeting the requirements for first-time registrants as prescribed in Qualification Standards and Experience, OAR 809-30-0000 through 809-30-0025, and all relevant registration and application fees as prescribed in Fees, OAR 809-010-0001;
- (4) Take or retake and pass the ASBOG fundamental and practice examinations, and specialty examinations as applicable.

Stat. Auth.: ORS 672.515, 672.685

Stats. Implemented: ORS 672.505-672.705

Hist.: BGE 1-2012, f. & cert. ef. 6-15-12

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From the OSBGE Code of Professional Conduct Rules

809-020-0025

Responsibility to the Board

(1) A geologist, when requested by the Board, shall respond to communications from the Board within 21 days after notification is mailed ~~by registered or certified mail~~. Mailed means sent via United States post with proper postage and addressed to the registrant's preferred address of record on file with the Board.

(2) A geologist shall notify the Board within 30 days of any change in the personal contact information as required in OAR 809-015-0000(5). This notification is in addition to any updates provided as part of a registration renewal. Updates may be provided by written letter or email to the Board office. A geologist may also provide updates through an online portal, where made available by the Board.

~~(23)~~ A geologist, when requested by the Board, shall present information and assistance to the Board in pursuing violations of laws and rules relating to the practice of geology in the State of Oregon. A geologist shall not dismiss from his employment, or take any other sanction against another geologist because of the other geologist's compliance with this, or any other subsection, of the Code of Professional Conduct, ORS Chapter 672, or the related administrative rules.

Stat. Auth.: ORS ~~672.655, 670.310~~

Stats. Implemented: ~~672.655~~

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809-055-0000

Complaint ~~Investigations~~ Process

(1) "Complaint" is any issue related to compliance with the statutes and rules the Board administers or enforces in ORS 672.505 to 675.705 and OAR Chapter 809, including but not limited to: the public practice of geology or offer to publicly practice geology by an unregistered person and the alleged or apparent non-compliant conduct or practice of a registrant that comes to the attention of the Board by any means, including through the filing of a written complaint as provided in ORS 672.665. A complaint may be initiated by the Board or its designee.

(2) "Complainant" refers to the person or group of persons filing a written complaint with the Board or the Board itself in a Board-initiated complaint.

(3) "Investigation" is the process of Board review, inquiry, research, analysis, and determination of a complaint.

(4) "Respondent" refers to a person who is the subject of a Board investigation.

(5) Complaint Investigation Process:

(a) The primary objectives of the Board in the investigation of a complaint are to safeguard the health, safety, welfare, and property of the people of Oregon and regulate the public practice of geology. The primary purpose of investigation is to determine whether one or more violations of statutes and rules administered by the Board occurred and to take action where appropriate.

(b) For complaints that are not Board initiated, the following apply:

(A) The complaint must be in writing and sworn to, where sworn to means the complainant declares by signature under penalty of perjury that the statements and information in the complaint are believed to be true;

(B) Receipt of all complaints filed with the Board will be acknowledged by the Board staff;

(C) The complainant will not be considered a party to the case; and

(D) The complaint will be initially reviewed by the Board Administrator to assess Board jurisdiction and authority to address the issue(s) raised.

(i) If the complaint appears to the Board Administrator to be within the Board's jurisdiction and authority, an investigation may be opened by the Board Administrator.

(ii) If the Board Administrator is unsure whether the complaint is within the Board's jurisdiction and authority, the complaint will be taken to the Board for a determination of whether to open an investigation.

(c) For all investigations, the Board Administrator oversees the investigation process on behalf of the Board and serves as the primary point of contact.

(d) The Board may delegate its investigative powers and authority for purposes of initiating and carrying out investigations.

(e) The Board Administrator or Administrator's designee will carry out the recommendations or decisions of the Board, including but not limited to: preparing and signing documents such as requests for additional information, letters of concern, settlement proposals, notices of intent, and orders, securing technical reviewers and investigators to assist with investigations, and closing out cases.

(f) To the extent permitted by law, the Board will cooperate with other licensing boards and other agencies when conducting an investigation.

(6) Response to the Board:

(a) The respondent will generally be given an opportunity to provide a written response to the complaint as part of a Board investigation.

(b) Written response, records, or other information requested on behalf of the Board must be provided to the Board office within 21 calendar days after the Board request is mailed, unless an extension is authorized by the Board Administrator.

(A) For a registrant, mailed means sent via United States post with proper postage and addressed to the registrant's address of record on file with the Board.

(B) For a non-registrant, mailed means sent via United States post with proper postage and sent to the last known address in the Board's case file.

(c) A registrant of the Board must fully cooperate with a Board investigation, including but not limited to providing a timely response to any Board request under (6)(a) and (b). A registrant's failure to cooperate constitutes misconduct under OAR 809-020-0030.

~~(1) "Complaint" is an issue brought to the attention of the Board that may or may not result in formal charges as provided in ORS 672.665.~~

~~(2) "Coordinator" means Complaint Coordinator where used in this rule.~~

~~(3) "Respondent" refers to a person or firm against whom a complaint has been made.~~

~~(4) The primary objectives of the Board in the review of complaints are to safeguard the health, safety, welfare, and property of the people of Oregon and to regulate the public practice of geology.~~

~~(5) The Board makes all recommendations and decisions regarding complaints during a Board meeting.~~

~~(6) The Board addresses complaints as follows:~~

~~(a) The Board Chair assigns one member of the Board to serve as Coordinator. All complaints under consideration by the Board will be referred to this Coordinator for processing and investigation. The Coordinator has the investigatory powers and authority of the Board Chair for purposes of conducting the investigation.~~

~~(A) The Coordinator is supported by the Board Administrator.~~

~~(B) In the event the Coordinator requests to be recused from a case due to a potential conflict of interest, the Board Chair may appoint another Board member to serve as Coordinator for said case.~~

~~(b) Complaints filed with the Board pursuant to ORS 672.665 must be in writing and sworn to, where sworn to means the complainant declares by signature under penalty of perjury that the statements and information in the complaint are believed to be true.~~

~~(c) Receipt of all complaints filed with the Board will be acknowledged by the Board staff.~~

~~(d) The complainant will not be considered a party to the case.~~

~~(e) To the extent permitted by law, the Board will cooperate with other licensing boards during the conduct of an investigation.~~

~~(7) Complaints will be processed and investigated through the Coordinator, with assistance from the Board Administrator and staff, as follows:~~

~~(a) A case number will be assigned and a preliminary review of the complaint will be made.~~

~~(A) If the Coordinator concludes that the complaint may have validity, the Coordinator may have the Board Administrator notify the respondent of the allegations and request written response from the respondent along with supporting or requested records and information.~~

~~(B) If the Coordinator concludes that the complaint does not appear to have validity, the Coordinator will prepare a summary for the Board's consideration.~~

~~(b) The Coordinator may engage with the following individuals during the review of a complaint:~~

~~(A) The Coordinator may consult with individual Board members or, through the Board Administrator, consult with the Board counsel;~~

~~(B) The Coordinator may seek the services of one or more Board registrants serving in the capacity of technical reviewers to assist in evaluating the case; and~~

~~(C) The Coordinator may seek the services of any other individuals as necessary to gather information and complete the case investigation on behalf of the Board.~~

~~(c) The respondent must supply any written comments as follows:~~

~~(A) Written comments and information requested on behalf of the Board must be provided to the Board office within 21 calendar days after the notification is mailed, unless an extension is authorized by the Board Administrator.~~

~~(B) After the 21 calendar days or any extension authorized, the Coordinator will evaluate the complaint using available evidence including any documentation or comments received from the respondent, Board members, investigators, technical reviewers, Board staff, and the Board's counsel.~~

~~(d) The Coordinator will present the case status and investigatory results during a Board meeting.~~

~~(e) The Board Administrator, with any needed assistance from the Coordinator, will carry out the recommendations or decisions of the Board, including but not limited to preparing requests for additional information, letters of concern, settlement proposals, notices of violation, securing technical reviewers and investigators, and closing out cases.~~

Stat. Auth.: ORS 670.310(1), [670.315](#), 671.615(8) & 672.665, [and 672.675](#)

Stats. Implemented: [672.665](#), [672.675](#)