



Oregon Geologist Examiner

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Next Board Meeting:

March 29, 2000 (tentative)

The Association Center Sa-
lem, Oregon

Governor Appoints Michael

David Michael, CEG, has been appointed to fill the Board position vacated by Michael Long. Long served the Board from November of 1993 until November of 1999. Oregon Revised Statute 672.615 (4) limits appointment to two 3-year terms. Michael's term is 11/18/1999 to 11/17/2002. He currently works as a GeoTechnical Specialist in northwest Oregon area with the Oregon Department of Forestry. He has worked in his current position since 1985. Prior to that time, he worked under CEG Doug Williamson as an engineering geologist with the Willamette National Forest.

Michael first moved to Oregon in 1971 where he was employed with Oregon Forestry until 1978 when he decided to return to his native Ohio to complete his BS in Geology at Kent State. He returned to Oregon in 1981. He has been registered with the Board since 1988.

Michael is very proactive in his profession. Many registrants know him through his active participation in the Oregon Section of the Association of Engineering Geologist. In addition to the variety of offices held with that association, he currently serves on the following other subcommittees: Oregon Water Resources "Monitoring Well Rules;" AEG "National Landslide Committee;" and SEC (Oregon Building Code Division) "Excavation & Grading Code." He has worked with DOGAMI as a slope stability advisor in the Mine Reclamation Program (quarry regulation). He has served as a technical advisor (forest roads and slope stability) for the Oregon Governor's Salmon Plan. In addition, he has worked as a technical advisor for the 1996 Oregon Department of Forestry's Flood Impacts and Landslide Study; served as an advisor on slope stability to the Washington County Road Maintenance division; and has served as forest slope stability advisor to various "Watershed Councils."

Michael will be a strong addition to the Board as we move into the new millenium.

Rules and Regulation Committee Up and Running

Board Member Audrey Eldridge, Chair of the Rules and Regulation Committee, held her first committee meeting on December 10th. The following committee members were in attendance: Henning Larsen, Steve Recca, and Jonathan Sprecher. The following three registrants have volunteered but were unable to attend: Doug Geller, Don Pettit, and Randy Albright. This committee will evaluate rules and make recommendations to the Board. If there are any rules which you feel need to be changed, send citations and rationale for the requested change *in writing* to the Board office. These will be forwarded to the Rules and Regulation Committee.

This committee will also be reviewing our statutes. Legislative concepts for statute change will be due early in 2000. If there are statute changes you would like this committee to consider, please direct those also to the Board office in writing.

Knight Notes

I have been so busy that a year has slipped by. January 4, 1999, is the date that this office opened to serve the work of the Board. Much progress in organizing the database has occurred. Much time has been spent working with Compliance Issues brought before the Board. But there are issues that were present prior to January 4th of 1999 that have not yet been dealt with by staff. I regret that there has just not been enough hours in the days, weeks, or months to accomplish the long list of “to do’s”. But then, isn’t that what New Year’s Resolutions are all about? And now we even have the opportunity for New Millennium Resolutions!

Of the current six Board Members, four are relatively new faces. What does this mean? Probably change. Whenever constituency changes, so do policies and procedures. If you as an Oregon registrant expect to know what is happening with your Regulatory Board, it is imperative that you take a few minutes quarterly to read what is presented in this newsletter. There have actually been calls to this office inquiring as to why fees were increased! After I confirmed their correct address in the database (“yes” was always the answer), I explained that both an April letter from the Board Chair and the June Newsletter had addressed the fee issue and that all registrants had been invited to give input. Most generally the resulting comment was “I must have thrown that away!”

I encourage you to pay attention to what is happening with this new Board. They value quality report writing. They will be looking and watching to see what level of quality is happening in the public practice of geology.

And remember that you are invited to become involved in the committees of this Board.

Holiday Happiness to all of you. And a gentle reminder that if your home or office address should change in the New Year, please submit the change in writing! There has been much cooperation in this effort during 1999. Working together, 2000 will even be a better year!

Susanna R. Knight
Administrator



Oregon and ASBOG: What is it? What does it do for OSBGE

Progress is an evolving process, usually slow, sometimes painful, but most often with a positive result. This description certainly applies when it comes to the development of state regulatory Boards [See article titled “Background Information for the Oregon State Board of Geologist Examiners” in the June 1999 Newsletter] and the tools used to determine registration eligibility! **Board policy changes in the past year may have also affected your eligibility to license in other states based on your Oregon registration.**

It is time to review the OSBGE history of the examination for registration. Following the closing of the grandfather “window” in 1978 for those *practicing* geologist with verification of their experience, the biyearly State Board examination became the measuring tool to determine eligibility for registration in our state. The Board created the original examination and Board members were charged with revising and updating the examination two times each year over the next 18 years. During this time, and independent of OSBGE, Portland State University developed a course to assist candidates in their preparation for the State Board examination.

In 1988, South Carolina hosted a gathering of boards of southeastern states that registered geologists at that time. States involved in this meeting were Georgia, Florida, North Carolina, and South Carolina. Six months later, Arkansas, Tennessee and Virginia joined the other four states for a second meeting. Six months later, these seven states gathered again and formally adopted the name “Association of State Boards of Geology.” At the next organizational meeting held in October 1989, Arizona, Indiana, and Oregon brought attendance up to ten states. Oregon was also there in July of 1990 for the fifth meeting. The sixth meeting actually became the FIRST Annual Meeting and was held in Colonial Williamsburg, Virginia, November of 1990. Oregon representation was there and has been represented at every annual meeting since. Oregon is proud to have been involved early in the development of ASBOG. Member states now total 26!

Much of the work of ASBOG is handled by the Executive Committee. At the annual meeting held in San Francisco, California, October 11th through 16th, Dorian Kuper of the Oregon Board was elected to the ASBOG Executive Committee as Secretary. Much of the work of ASBOG is handled at two yearly meetings of the Executive Committee. The primary responsibility of ASBOG is to create the national examination. ASBOG is the vehicle whereby states can work together. As more and more states legislate geology registration, ASBOG will be there ready to help those states and ready to provide a licensing exam.

Cooperative Licensure

Oregon now requires any applicant for registration to pass the ASBOG (Association of State Board of Geology) National Examination. If an applicant's registration in another state was based on an *exam other than the ASBOG National Exam*, the Board will invite the applicant to sit for the ASBOG test as the registration vehicle here in Oregon. Prior to the ASBOG examination, the Board reviewed examinations from other states to determine if they met the content requirements of the Oregon examination. If the test was deemed equivalent, the applicant could become licensed by comity/reciprocity.

What does this mean to those of you requesting licensure in another state? Each state is autonomous and therefore has its own laws and rules that determine how it carries out its responsibilities. In recent months, a number of Oregon registrants have been rejected when attempting to register in another state with their Oregon license. Your Oregon license is *not* an automatic ticket for licensure in other states. However, if you passed the ASBOG examination for licensure in Oregon (or any other state!), you will probably be eligible for *Cooperative Licensure*. States work together cooperatively as long as the applicant meets that state's requirements. With the membership growth of ASBOG, more and more states are adopting the ASBOG exam for registration.

What does this mean to those of you who are already licensed in Oregon without the ASBOG exam? *It will have no effect on your Oregon registration as long as you maintain an active license.* If your Oregon registration should ever expire [see OAR 809-015-0010], you would have to reapply with the Oregon Board. Approval would be contingent on receiving confirmation of your passing score on the ASBOG test. If you had never passed the ASBOG examination, then you would have to sit for the ASBOG examination. If your only examination on record was the Oregon examination (administered from 1978 through September 1996), you would be required to pass the ASBOG examination.

Board Subcommittee Evaluates Hydrogeology Specialty

Volunteers have always been an integral part of the Board's development of ideas and processes. In recent years, the Board questioned if there was a need to develop additional registration requirements for those geologists who conduct hydrogeological work in Oregon. The following registrants served on a Board subcommittee that met for just over a year: Russ Bunker (EMCON), Dennis Nelson (OR-Health Division),

Fred Lissner (OR Water Resources Dept.), Rick Kienle (Northwest Geological Services), Caroline Gordon (Ochoco National Forest) and Audrey Eldridge (OSBGE).

This subcommittee evaluated the following factors that were considered to have an effect on the practice of hydrogeology in Oregon:

- The Oregon RPG exam has been replaced by the ASBOG exam which gave the Board less control over the content of the registration exam.
- The CEG exam had been rewritten and did not contain the same focus on hydrogeology as the previous CEG exam.
- All geologists passing the ASBOG national exam are required to pass the Oregon Specific Exam before they can obtain their geologist's registration.
- ASBOG's 1993 Task Study indicated that a high percentage (up to 61 %) of the respondents felt that they were involved in Hydrogeological Investigations and many also felt that some degree of competence in this field was necessary at the time of "certification".

The Committee recognized that Oregon's groundwater is a very precious resource, one that requires as much protection as feasible. At this time, the Committee did not establish sufficient need for a specialty registration process. Instead, the committee recommended that the Board first evaluate and implement a series of actions to determine if there is a corresponding positive reaction, before looking towards future registration requirements. The recommendations consisted of:

- Including questions on Oregon water law and the relationship between volcanic stratigraphic control and groundwater in the Oregon Specific Exam;
- Randomly review geologic and hydrogeologic reports received by public agencies to assure hydrogeologic work is conducted by registered geologists, and that the work performed as the public practice of geology provides adequate protection.
- Publishing a newsletter at least annually which should include a summary of enforcement actions, types of complaints, and information of Report Guidelines available to registrants.
- Reminding Natural Resource Agencies (and other Agencies as appropriate) that geological work must be conducted or overseen by a Registered Geologist, and that there are only minor exceptions to this rule.

The Board is considering all recommendations and is currently developing strategies to implement some. A BIG PUBLIC THANK YOU to those registrants who worked so diligently on this evaluation process.

Compliance Update

The Board has asked their registrants to assist with various compliance issues. For each complaint received by the Board, a Compliance Committee is formed. This committee generally consists of two to three registered geologists who do not know the individual (respondent) involved in the complaint, and two Board members. The Registrants are asked to conduct a peer review of the complaint and send the Board their analysis of the situation. After reading the peer reviews, the Compliance Committee (s) may hold an informational interview with the respondent in the compliance issue. The purpose of the interview is to allow the Board to question if the respondent understands the public practice of geology and to hear the 'other side' of the issue.

Most recently the Committees met with respondents over the stated issues:

- 1) a respondent (unlicensed individual) practicing geology in the preparation of reports;
- 2) a respondent (CEG licensed by the Board) publicly practicing engineering;
- 3) a respondent (licensed as a GIT) publicly practicing geology.

Additional meetings should be forthcoming in the next month with two *unlicensed* individuals who may be publicly practicing geology in the state of Oregon. The Board also has requested that a Hearing Date be set in a case involving a registrant (summarized in the previous newsletter), as ongoing negotiation has failed to resolve the issue.

Compliance Committee Goes to Work

A BIG thank you to the following registrants who volunteered their services to the Board in recent months by serving as peer reviewers on compliance issues: David Charlton, Samuel Cobb, Richard Fredricksen, Caroline Gordon, Bernard Kleutsch, Richard Malin, Daniel Mumford, Gary Peterson, Lawrence Pierson, Francis Toor, Craig Ware and Douglas Williamson. This is the core group of our Compliance Committee. Additional volunteers include Paul Branchfield, John Cooper, Donald Cordell, Bruce Dessellier, Peter Jones, Steven Recca and Bruce Scherzinger.

These Peer Reviewers work on an issue-by-issue basis. They evaluate the complaint and prepare a report to a Compliance Committee of the Board. This can be a very time-consuming process. The evaluations have been very helpful tools to the Compliance Committees in making recommendations to the entire Board.

If you would be interested in serving on the Compliance Committee, please submit a resume to the Board office. In particular, the Board is interested in knowing your area of expertise to assist in assigning complaint reviews.

Can a Geologist Be an LLC?

A recent request of the Board was to address the question: Can a Geologist be an LLC (Limited Liability Company)? This question was forwarded to the Attorney General's Office. Their response is summarized below:

"While ORS 672.545 does not specifically state that a geologist may practice through the medium of a limited liability company (LLC), it appears that the intent of ORS Chapter 63 (the statutes which govern LLC's) is inclusive of those business mediums in 672.545; and certainly does not prohibit operation through the medium of an LLC."

"Definitions relevant to ORS 672.545 and to an LLC. ORS 63.001(13) **Limited liability company**: "****an entity that is an unincorporated association having one or more members that is organized under this chapter." ORS 656.029 (3)(b): **Sole Proprietorship**: "A business entity or individual who performs labor without the assistance of others." ORS 67.005 (7) **Partnership**: "An association of two or more persons to carry on as co-owners a business for profit created under ORS 67.055, predecessor law, or comparable law of another jurisdiction. A partnership includes a limited liability partnership."

"The statutes governing LLC's is found in ORS Chapter 63. Simply put, the structure of an LLC is one comprised of a member or members with both an ownership interest in an LLC and all the rights and obligations of a member specified under ORS Chapter 63. The members may designate a manager to manage the business and affairs of an LLC. ORS 63.001 (15) and (16).

"While the statute defines an LLC as an unincorporated association [Editor note: this was defined in another section of the document.] ORS 63.074 (1) permits an LLC to conduct its business similarly to partnerships and incorporated entities. * * *a limited liability company formed under this chapter may conduct or promote any lawful business or purpose which a partnership, corporation or professional corporation as defined in ORS 58.015 may conduct or promote, unless more limited purpose is set forth in the articles of organization."

For a copy of the complete document, please contact the Board office and request AC99493.

Open Letter to Registrants

As the year and millennium come to a close, and my six-year commitment to the Oregon State Board of Geologist Examiners has ended, I would like to reflect and share with you some of my personal observations.

During the past six years, the Board has made tremendous progress.

- They have aligned themselves and helped develop national testing standards as members of ASBOG and its Council of Examiners.
- Members and registrant volunteers have developed and implemented a new Engineering Geology examination which can rival any, yet is relevant to the current standards of practice.
- They have accepted the responsibility of being an advocate for public safety, even when the individuals and agencies were formidable.
- They have had the courage to establish themselves as an independent Board with the validity and support of the registrants.
- They have made great strides in interacting with other state boards, agencies and local governments as a proactive professional resource.

During the last six years, I have been through some personal changes

- I have a new found appreciation for those who volunteer their time for public service.
- The satisfaction comes in small “thank yous” which makes the frustrations bearable.
- My “little kids” are now teenagers.
- I lost my father.
- I earned a black belt in Tae Kwon Do before I turned 50 (which gave me another appreciation for those who “do it” and those who talk about it.)
- I had the courage to make a career change after I turned 50, and I haven’t regretted it yet.

I also realized that “wherever you go, that’s where you are,” because a lot of people in your life influence your path. For the professional me it was “Dirty Doug” Williamson CEG extraordinaire, and Mark Truebe, PE, as good a dirt doctor as they come. A full dose of engineering geology, soil mechanics, hard field work and attention to detail (Doug said that “it’s the details that will defeat you,” and he’s right.) early on made me successful later in life and gave me a deep appreciation for the “engineering” in engineering geology. Endless required reading of Terzaghi and Peck, Cedegren, Hoek and Bray, NAVFAC,

ASTM and AASHTO manuals, work in the lab, publications and presentations all folded into a rewarding career.

My hope is that those of you who have the chance to positively influence the next generation of professional geologists, take that extra care to set the standards high, and the expectations of professional registration as an integral part of their professional development. And I also hope that you will continue to support the Board as you have in the past. They are a mere handful of volunteers who really need your expertise, experience and advice to be successful. There will be another position vacancy in about a year, and I hope you will consider stepping up and taking a leadership role. It has been a pleasure and an honor to have served. I’ll leave you with one of my favorite quotes from an extraordinary man. Good luck and success and happiness to all of you and your families in the coming years.

Sincerely,

Michael T. Long, CEG

“It is not the critic who counts...The credit belongs to the person who is actually in the arena; whose face is marred by dust and sweat and blood; who strives valiantly; who errs and comes short again and again; who knows the great enthusiasms, the great devotions; and spends themselves for a worthy cause...and who at the worst, if they fail, fails while daring greatly, so that their place shall never be with those cold timid souls who know neither victory or defeat.”

*--Theodore Roosevelt (1858-1919)
26th President of the United States (1901-1909)*



Lapsed Licenses

The database information indicates that the following registrations have lapsed during the first quarter (July, August, September) of the new biennium. Please contact the Board office if your name is listed and you *have paid* your annual renewal fee. If you notified us through the renewal process that you are not choosing to renew your registration, additional notification is *not necessary*. Database entry errors can occur which could cause a license to lapse unintentionally. Duane **Balch**, G1240; Mary **Bannister**, G1144; Jill **Bird**, T1150; Frank **Blair**, G978; William **Hughes**, G1795; Mark **Jeffers**, G1576; Randal **Kenyon**, G1810; Kenneth **Knight**, G1352; Thomas **Matzen**, G1668; Scott **Miller**, G1808; Andrew **Mork**, G1815; Monte **Murbach**, E1756; Wallace **Platt**, G1239; Barry **Pulver**, E1061; Geoffrey **Snyder**, T890; and Jeffrey **Stephens**, G1844.

Oregon State Board of Geologist Examiners

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Address Assistance Still Needed

The Board office has been alerted to many address corrections since the September Newsletter. Thank you! We have reduced the number from 40 to 22! Please read on. Staff is still attempting to locate current addresses on the following:

Anderson, Robert Lowell; **Bell**, Rochelle B; **Black**, Janette Y; **Boge**, Wendy S; **Booker**, Nathan H; **Braibish**, Thomas E; **Brown**, Randall E; **Cofer**, Charles R; **Dilbert**, Clifford A; **Dill**, Earl W; **Dolan**, David Walter; **Dorion**, Kristel Alexia; **Durham**, Fritz Edwin; **Herrera**, Nora Berggren; **Hull**, CD; **James**, Davd Holmes; **Jenson**, John W.; **Landeché**, Lori Marie; **Moresco**, Raymond L; **Mortyn**, P. Graham; **Neff**, William Henry; **Owen**, Clark H; **Watts**, Christopher F.

Calendar of Upcoming Events

January 5:	Postmark Deadline for All March Exam Applicants
March 17:	ASBOG Exam, Salem 8:00 AM to 5:00 PM
March 17:	Certified Engineering Geologist Exam, Salem, 8:00 AM to 5:00 PM
March 17:	Oregon-Specific 2-Hour Exam, Salem 7:00 PM to 9:00 PM
March 29:	Board Meeting (<i>Tentative Date</i>) Salem
May 12	Postmark Deadline for Oregon 2-Hour Exam
June 9	Oregon-Specific 2-Hour Exam, Salem
September 15	ASBOG National Exam, Salem 8:00 AM to 5:00 PM