

# MEETING MINUTES

OREGON STATE BOARD OF GEOLOGIST EXAMINERS  
BEST WESTERN, SUNRIDGE INN, BAKER CITY, OREGON  
SEPTEMBER 12, 2008

## Member Present

Richard Heinzkill, Public Member  
Chris Humphrey, RG, CEG, Board Vice-Chair  
Dr. Vicki McConnell, RG, State Geologist  
Dr. Stephen Taylor, RG, Board Chair  
Mark Yinger, RG

## Member Absent

Rodney Weick, RG, CEG [excused]

## Staff Present

Susanna Knight, Administrator

## Guests Present

No guests for Board Meeting

The quarterly Board Meeting was preceded by a dinner Work Session which convened at 7:15 PM Thursday, September 11, 2008, in The Blue Mountain Room of Sun Ridge Inn, Baker City, Oregon. *Weick* was excused from the Work Session due to a previously planned vacation. The Board was joined for dinner by the following practicing geologists from the area: Meg Doolittle, Geologist with the US Forest Service; Mark Ferns, RG, DOGAMI, Baker City; Jason McClaughrey, RG, DOGAMI, Baker City; Duane Smith, Water Quality Manager DEQ Eastern Region. A Professional Mining Engineer was scheduled to join the dinner but withdrew from participation. Geologists from BLM were unavailable to join the dinner. While dinner was ordered, Chair *Taylor* invited guests present to introduce their selves and provide background on geology employment. *Taylor* then shared information about the open comment period of the State Department of Education regarding the draft guidelines for K-12 Science Curriculum for the next 7 years. He encouraged all geologists present to locate that information and provide input to the State Department of Education.

During the working dinner, Ferns distributed various maps of the mining area south and east of Baker City. Archeology, tourist, and “google” maps representing the local geology were distributed to provide all field trip participants a perspective for the field trip scheduled following the Board Meeting September 12, 2008. Ferns provided historical background information on the mining industry of Eastern Oregon. *Taylor* inquired about the overlap of regulatory agencies in the mining arena. Various guests provided historical information on the mining regulation of the region. It became evident that miners must adhere to a multitude of regulations. The Board was informed that 97% of the mining is hobby mining.

All guests departed at 8:45 PM and *Taylor* recessed the Board for a 15-minute break.

At 9:00 PM, the Board began discussion on the draft of the 2009 Legislative Concept. The Board concurred that Section 5 should be removed, as Board Members did not believe this legislation was

an emergency. The Board then discussed the SUMMARY of the legislation and had concerns about the length. The Board concurred that it was unclear about the last word, validated, in Section 4. The Board asked that the Assistant Attorney General talk with Legislative Counsel about this composition. The Board's input on any revisions to the draft is due back to Legislative Counsel by September 23, 2008.

At 9:50 PM, the Board discussed the draft State K-12 position statement on Science Standards released by the State Department of Education. A general discussion was held of the draft and comments prepared and presented by *Taylor*. The Board concurred on two items: 1) the Board should issue a positive letter to the committee encouraging more earth and planetary sciences as understanding hazards, climate, and water resources and human's interaction with the planet is critical to The Earth; and 2) contact should be made with Oregon Registered Geologists directing them to the science standard draft document and encouraging them to provide input to the State Department of Education.

Due to the late hour, a discussion of the draft revisions to the Administrative Rules regarding the compliance procedure of the Board was moved to tomorrow's Board Meeting agenda.

The Board concurred that concentrated time is needed for developing the COMPLIANCE REVIEW PROCEDURE and a process to implement uniform assessments of civil penalties. *McConnell* encouraged the Board to plan a retreat early in 2009 for specifically working through this area. No additional discussion on these two items was held.

At the 10:30 PM hour, *McConnell* informed the Board that a need still exists to assist Marion County in establishing a geology map standard that the Board can support. The need came from a previous compliance case and a Work Session discussion held in December 2006 with a Marion County employee. Due to the late hour, a brief discussion was held but no recommendations were confirmed.

The Work Session concluded at 10:45 PM.

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The September 12, 2008, Board Meeting was called to order by *Chair Taylor* at 8:40 AM in The Blue Mountain Room at Sun Ridge Inn, Baker City, Oregon.

1. **Agenda:** *McConnell* moved to approve the agenda with the following additions:

- **AC 08 09 171:** (6)Correspondence (i)
- **(5) Reports (a) Administrative Rules, Heinzkill.**
- **(5) Reports (c), JCC Report, Knight**

Motion *seconded and passed:* *Heinzkill, yes; Humphrey, yes; Taylor, yes; Yinger, yes.*

2. **Meeting Minutes:** *McConnell* moved to approve the June 13, 2008, Board Minutes with the following two revisions:

- Page 3, #4: change "that it supports" to "to consider".

- Page 7, f. Professional Practice; change “in” to “is”.

Motion *seconded and passed*: *Heinzkill, yes; Humphrey, yes; Taylor, yes; Yinger, yes.*

### 3. Administrator Reports

- a. A report titled **AR 2008-03: SUMMARY OF STAFF ACTIVITIES SINCE 6/13/2008** was distributed and the Administrator discussed the following items with the Board:
  - i.) Legislative Fiscal Office has been working with all Semi-Independent Board Administrators (SIBA) following up on its review of the biennial report submitted December 31, 2007.
  - ii.) SIBA has asked that each agency review current budgets to determine if funding for a lobbyist to track semi-independent legislation can be allocated.
  - iii.) *Humphrey* and *Taylor* are due for reappointment; both indicated that they were willing to accept a second three-year term.
  - iv.) *Taylor* will not be attending the COE in Illinois; if *Yinger* is not available, staff was directed to inquire if former Board Member *Orr* would be participating in the fundamental section of the exam development.
  - v.) The psychometricians working on the Engineering Geology Task Analysis reported a poor response to the electronic survey; a paper survey will be initiated; staff will contact all CEG’s and encourage them to complete and return the paper survey.
  - vi.) A Board newsletter discussion is slated for later in the agenda but staff shared that there is a need for lead article assistance from Board Members.
  - vii.) The ACTION LIST was distributed and two items will be moved to a Retreat agenda (see Work Session discussion). A date early in January is encouraged, before the Legislative session begins, perhaps on a Saturday.
  - viii.) The JCC did not convene as agenda items were not presented by the participants. *Taylor* advised the Board that the JCC should only convene when there is a compliance case in the overlap area to discuss.
  - ix.) Staff received an inquiry from the State of Alaska about the practice of geology. Due to the pipeline decision, Alaska is receiving inquiries from geologists. Information was provided.
- b. **REVENUE/EXPENSE REPORT** for the first two months of the new fiscal year of the current biennium showed income down \$28,355.94.
- c. **Fiscal Year 1, Financial Report** [7/1/2007 to 6/30/2008] revealed a net ordinary income of \$28,545.46 which balances the deficit experienced in the current fiscal year. The Balance Sheet through 8/31/2008 of the biennium revealed total Liabilities and Equity at \$182,353.82.
- d. **Check Log** #2790 to 2837 and #9083 to 9086: *Humphrey* moved to approve the check log. Motion *seconded and passed*: *Heinzkill, yes; Humphrey, yes; Taylor, yes; Yinger, yes.*
- e. **Bar Graph** of 3-Year Comparison of Changes in Monthly Renewals [2006, 2007, 2008] was distributed. *Knight* explained that during this three-year period, staff had moved renewal months of many registrants to meet the requirement of OAR 809-015-0000. This reduced the number of renewals in May and October and leveled out the monthly renewals during a year so the graph does not quite represent a correct historical picture of renewals. *Taylor* asked that this bar graph of renewal information

be issued each Board meeting. *McConnell* indicated surprise that registrant numbers are steady, that there was no increase in registrants.

- f. **Edward Jones Update** on Certificate of Deposit (CD) Purchase Agreement: One \$20,000 CD has grown to a \$24,000 CD with reinvestment of interest from all CD's.

At 9:30 AM, *Chair Taylor* recessed the meeting for 15 minutes. The meeting reconvened at 9:45AM.

4. **Compliance Updates:** *Heinzkill* distributed a Compliance Committee Report. *Taylor* requested that each descriptor in the report state something familiar so that Board Members might recognize the case history. The following outstanding cases were reported by *Heinzkill* as follows:

- a. **CC#06-12-010:** Additional documents are needed for this case. In May, staff issued a Public Records Request with a follow-up request in August but no information has yet been provided.
- b. **CC#07-02-001:** Technical reviewers completed follow-up since the last meeting and it is anticipated that this case will close during Old Business.
- c. **CC#07-04-002:** In August, a technical reviewer was contacted to assist with this case.
- d. **CC#07-10-004:** The Board reviewer requested additional information form both the complainant and respondent during August.
- e. **CC#08-04-008:** The case concerns work done in another state by an Oregon registrant. The Licensing Board of the other state was contacted in August.

5. **Committee Reports**

- a. **Administrative Rules (ARC):** *Heinkill* directed the Board to the revisions presented in OAR 809-055-0000. He explained that these revisions will change the Board's involvement in compliance cases. The Board will not become engaged in a case until the research is complete and a summary document is prepared for Board discussion. The Board previously reviewed this new procedure at the last meeting. Technical Reviewers will be engaged as needed in each case. A few minor revisions to the draft rule were suggested including in (3)(b) adding an additional section beginning with (c) "After the 21 days". The draft (c) would become a (d). With these changes, the Board recommended that the Rules Advisory Committee be convened to discuss the procedure.
- b. **CEG Exam** (AC 08 08 158; AC 08 08 159): *Humphrey* reported that Administrative Rule changes are needed to address two issues: 1) define "in responsible charge"; and 2) address supervision by a PE. *Chair Taylor* referred these two items to the ARC. The Board concurred that the applicant referenced in AC 08 08 159 should be approved for registration.
- c. **Joint Compliance Committee (JCC):** *Knight* reported that former Board Member Gary Peterson and *Weick* will serve on the JCC which has not convened since February. When JCC members were solicited in August for agenda items, none were forthcoming. *Taylor* emphasized that the JCC should convene when they have a complaint to review.
- d. **Legislative: 2009 Legislation, Compliance Immunity Clause:** *McConnell* reported that during the Work Session, recommendations for the Legislative Concept (LC) were compiled. The following Board concerns must now be addressed: 1) Summary must be

- simplified; 2) Section 5 is to be removed; 3) Section 4: Engage the Board's AAG to contact Legislative Counsel and discuss what the term "validated" actually means. The LC revisions must be submitted by September 23, 2008, within a 14 day window from the Board's receipt of the draft document on September 9, 2008.
- e. **Outreach:** *Taylor* reported on two current issues:
    - (i) Follow-up Letter to State Department of Education: Staff will draft a response from the Board based on the Work Session discussion. Staff will also contact all Oregon registrants and direct them to the draft document for Science curriculum
    - (ii) Oregon Watershed Enhancement Board: The Board's proposal to be a presenter at the biennial conference to convene in Eugene, Oregon, on November 5, 6, and 7, 2008, was denied. Staff will follow-up to reserve a booth at the event. *Heinzkill* and *Yinger* will help man the booth.
  - f. **Professional Practice:** *Humphrey* reported on two items that he has been monitoring:
    - (i) The document prepared by the JOINT TASK FORCE ON AREAS OF PRACTICE (AEG, AIPG, ASCE) was released in early August and is now under confidential review. None of the membership of the three organizations has seen the document.
    - (ii) The City of Portland has revised the Storm Water Manual and changed the language to an all encompassing term "design professionals" which allows for any qualified registrant to do such work. Previously the draft manual used the term "geotechnical engineers" which would have limited Registered Geologists from work which they had been doing.
- 6. Correspondence:** The Board requested input from registrants about a Continuing Education Unit (CEU) requirement for registrants. Of the six responses, 4 supported a CEU requirement and 2 push backed from such a requirement. The Board does not currently have statutory authority to implement a CEU requirement. No legislation was submitted for the 2009 session.
- a. **AC 08 07 119:** This inquiry requested information about OSBGE's position on the use of Digital Encrypted Signatures. After discussion, *Taylor* recommended that draft Administrative Rules be prepared modeling OSBEELS new rule.
  - b. **AC 08 08 136:** This registrant indicated he did not support a CEU requirement.
  - c. **AC 08 08 137:** This registrant pointed out the cost of a CEU requirement.
  - d. **AC 08 08 138:** This registrant recommended a survey engaging all registrants with questions in the development stages should a CEU requirement be considered.
  - e. **AC 08 08 161:** This registrant believes a properly administered CEU program would be beneficial for the registrants and would maintain the integrity and meaning of the registration.
  - f. **AC 08 08 162:** This registrant indicated that many geologists already participate in continuing education; they just are not tracking it.
  - g. **AC 08 08 163:** CEU is supported by this registrant but, if instituted, should be broad and flexible.
  - h. **AC 08 08 205:** OSBEELS copied a letter to OSBGE that is addressed to the Department of Environmental Quality (DEQ) and discusses the CPESC/1200-C Permit. *Humphrey* offered to review this information more thoroughly. Staff was asked to contact DEQ and request a copy of the "Erosion and Sediment Control Plan

Pat I: Narrative”. This document will then be sent to both *Humphrey* and *Weick* for review.

- i. **AC 08 09 171:** This registrant is inquiring about the Board’s position on the use of Digital Encrypted Signatures. The Board directed staff to notify this registrant that the response will come his way as an Administrative Rules Revision.

## 7. Old Business

- a. **CC#07-02-001:** *Taylor* reported that he completed follow-up research on this Compliance Case. *Taylor* moved to close the case with a Letter of Concern explaining at what point public testimony becomes the public practice of geology. Motion *seconded and passed: Heinzkill, yes; Humphrey, yes; Taylor, yes; Yinger, yes.*
- b. **Coastal Processes and Hazards Working Group:** *McConnell* reported that the group convened on May 1, 2008, for a good meeting. Many updates on coastal happenings are included in the Working Group’s minutes. *McConnell* asked staff to scan the minutes and forward them to all Board Members. A discussion of the minutes can occur at the next OSBGE Meeting.
- c. **Update on JOINT TASK FORCE ON AREAS OF PRACTICE:** *Knight* distributed comments received about the status of this report. It appears that following the September 20-21, 2008, meeting in New Orleans, some information could be released. [See 5.f. Professional Practices for additional information.] In discussions with the California Board Administrator, that Board has also taken a “wait and see” approach with involvement..
- d. **GSA, October 2009:** OSBGE previously agreed that it would like to prepare a Program Proposal for the October 2009 National Meeting of the Geological Society of America (GSA) to convene in Portland, Oregon. The Board agreed that it is willing to be a local organizer and that it needs 6 to 7 states to “jump on board”. The Board brainstormed ideas: regular session; special session such as a panel; hot topics; poster session. Then the discussion turned to outreach about registration for purposes of practicing geology. *McConnell* volunteered to do more research. The Board discussed putting together a concept for ASBOG.

## 8. New Business

- a. **Discussion of Newsletter Content:** *Taylor* suggested that two eyes from the Board review the newsletter before it is distributed. The Board received two comments from registrants questioning the lead article in the July newsletter. *McConnell* inquired as to the mission of the newsletter. The Board agreed that it should report on activities of the Board; the laws of the Board; and compliance cases of the Board. *Knight* inquired about outreach to cities and counties as a mission of the newsletter, and hence other articles of interest. *Yinger* suggested that DOGAMI updates be included and he volunteered to prepare an article for the October newsletter. *Taylor* asked that the Watershed Councils be included on the newsletter list.
- b. **ASBOG National Meeting:** Charter and By Law Revisions: *Humphrey* raised questions about changes being offered for the upcoming meeting November 8, 2008,

in St. Charles, Illinois. The Board empowered *Humphrey* as its delegate to tackle concerns as he wishes.

**9. Public Comment:** There was no public present.

**10. Announcements**

- a. ASBOG Exams October 3, 2008: Since no Board Members are available to proctor the exam, staff from the office will administer the exams at Chemeketa Community College.
- b. CEG Exam, October 3, 2008: *Weick* previously agreed to proctor this exam. Perhaps he will proctor the practice section of the ASBOG exam also.
- c. Next Meeting, Friday, December 5, 2008, University of Oregon: Staff was asked to include an Outreach to the University of Oregon (U of O) Geology Professors and members of the U of O Geology Student's Club by inviting them to join the Board for lunch.

The meeting was adjourned by *Chair Taylor* at 12:22 PM. *Taylor* announced that the field trip would depart at 1:00 PM from the DOGAMI parking lot just down the highway. Box lunches will be provided for the field trip.

Respectfully submitted,

Susanna Knight  
Administrator

The minutes of the September 12, 2008, Board meeting were approved at the December 5, 2008, Board meeting with four corrections.

Respectfully submitted,  
Susanna R. Knight  
Administrator