



# Oregon

**State Board of Examiners for  
Engineering & Land Surveying**

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## Memorandum

Date: February 16, 2006  
To: All Interested Parties  
From: The State Board of Examiners for Engineering and Land Surveying  
Subject: Continuing Professional Development Audit – Follow-up to the 11/18/04 Release

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There has been recent interest and confusion concerning the license status of the professional engineers and land surveyors that were placed into inactive status after failing to comply with the Board's Continuing Professional Development (CPD) audit. With this memorandum, the Board would like to clear the record for any interested parties affected by the actions of any of the individuals that were placed into inactive status.

On May 27, 2004, a Continuing Professional Development audit was conducted by OSBEELS. Several licensees failed to respond to the first audit letter sent. On September 9, 2004, staff sent a second audit letter via certified mail. Again, many licensees failed to reply to our inquiry, by which they should have sent the Board the requested CPD documentation. As a result of their failure to respond, the Board voted at its November 9, 2004, meeting to place their licenses into an inactive status.

Inactive status is defined by Oregon Administrative Rule (OAR) 820-010-0010. It means that the registrant should not be holding out as a professional engineer and/or land surveyor and is not authorized to engage in the professional practice of engineering and/or land surveying until such time as the Board determines otherwise. By placing the licenses into an inactive status, the Board acted in a manner consistent with OAR 820-015-0026. That rule states that registrants not in compliance with the CPD requirements of OAR 820-010-0635 may be placed on inactive status by the Board and prohibited from practicing engineering and/or land surveying until such time as the Board determines they are in compliance.

Subsequently, the Board evaluated its rules during the Examinations and Qualifications Committee meeting of February 7, 2006. The Board identified a procedural irregularity with its administrative rules and the CPD audit process. The licensees had been placed into inactive status based upon rules that were potentially inconsistent with Oregon's Administrative Procedures Act.

The Board, as a result, removed the effected licensees from the inactive status until the Board can adopt rule changes to refine the CPD audit and sanctioning process. *It is the Board's position, therefore, that work performed by the inactive licensees during the inactive period was not in violation of the engineering statutes and rules.*

A separate issue addressed by the Board's Law Enforcement Committee was case number 2384, a matter filed against professional engineer Gene Strader. It was opened in October 2005 with the understanding that the Board could sanction Mr. Strader for the practice of engineering without an active certificate. He signed and sealed engineering documents while his license was inactive. Based upon the position taken by the Examinations and Qualifications Committee regarding the audit process, the Law Enforcement Committee, at its February 8, 2006, meeting, recommended that the full Board close the case as the Board lacks jurisdiction in the matter.

The Board apologizes for any inconvenience that this situation may have caused. The Board is diligently working on a solution to avoid future problems. If you have any questions or concerns, please contact our office.