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PERMANENT ADMINISTRATIVE RULES

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I certify that the attached copies are true, full and correct copies of the PERMANENT Rule(s) adopted on 01/12/2016 by the

<u>Board of Examiners for Engineering and Land Surveying</u>	<u>820</u>
Agency and Division	Administrative Rules Chapter Number
<u>Jenn Gilbert</u>	<u>(503) 934-2107</u>
Rules Coordinator	Telephone
<u>670 Hawthorne Ave. SE, Suite 220, Salem, OR 97301</u>	
Address	

To become effective Upon filing. Rulemaking Notice was published in the Oregon Bulletin.

RULE CAPTION

To adopt a photogrammetry examination rule and to amend the Oregon specific examination rule.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

820-010-3020

AMEND:

820-020-0040

REPEAL:

RENUMBER:

AMEND AND RENUMBER:

Statutory Authority:

ORS 670.310 and 672.255

Other Authority:

Statutes Implemented:

ORS 672.002 - 672.325

RULE SUMMARY

OAR 820-010-3020 - The adopted language relates to the photogrammetry examination required for registration as a Registered Professional Photogrammetrist.

OAR 820-020-0040 - The amended language updates the examination subversion rule to apply only to the Oregon specific examinations administered by the Board.

Jenn Gilbert

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Rules Coordinator Name

Email Address

BEELS 1-2016

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RULEMAKING ACTION

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Stat. Auth.: ORS 670.310 and 672.255

Other Auth.:

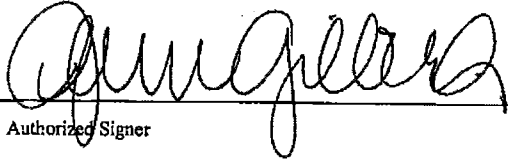
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Authorized Signer

Jenn Gilbert

Printed Name

01/14/2016

Date

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820-010-3020

PHOTOGRAMMETRY EXAMINATION

- (1) The Oregon approved photogrammetry examination is the Colonial States Board of Surveyor Registration (CSBSR) Examination and is held once a year, in April. To sit for the CSBSR Examination, a completed Examination form and required examination fee must be received by the Board offices no later than February 1. (*Note: See <http://www.oregon.gov/OSBEELS/Pages/index.aspx> for examination dates, times, costs, and details.*)
 - (2) To withdraw from the CSBSR Examination, and forward the Examination form and examination fees to the next examination administration, a written request to withdraw and forward the Examination form and examination fees must be received by the Board offices no later than March 1. Examination forms and fees may only be forwarded upon withdrawal once, and only to the next examination administration. After one withdrawal, the original Examination form will no longer be forwarded and examination fees will not be forwarded or refunded.
 - (3) To withdraw from the CSBSR Examination without forwarding, and request a refund of the fees, a written request to withdraw and for the fees to be refunded must be received by the Board offices no later than March 1. After one withdrawal, examination fees are non-refundable.
 - (4) The cutoff score for the CSBSR Examination is established by the Colonial States Board of Surveyor Registration.
 - (5) Examinees may request reasonable accommodations to the examination's administration.
 - (a) Reasonable accommodations will be provided for examinees who have a documented disability within the meaning of the Americans with Disabilities Act of 1990. Reasonable accommodations may be provided for examinees whose religious convictions prohibit them from testing on the scheduled examination dates.
 - (b) Requests for reasonable accommodations must be submitted on the Board approved form, and accompanied by supporting documentation, by the applicable deadline.
 - (6) *Examination Review.* As the CSBSR does not facilitate examination reviews and appeals, CSBSR examination reviews are not permitted.
 - (7) *Examination Subversion.*
 - (a) Any Applicant who is under investigation for examination subversion, as defined in OAR 820-005-0085 will not be considered by the Board until the investigation and any ensuing disciplinary action are complete.
 - (b) An Applicant disciplined for examination subversion is subject to imposition of civil penalties and denial of registration. A Registrant who is disciplined for examination subversion is subject to imposition of civil penalties and suspension or revocation of registration.
- Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 672.325

820-020-0040

Oregon Specific Examination Subversion: Grounds for Invalidation of Examination Results

- (1) Examination subversion is the use of any means to alter the results of an examination to cause the results to inaccurately represent the competency of an examinee.
- (2) The Board may invalidate the examination results of an examinee who engages in examination subversion. Examination subversion may include, but is not limited to:
 - (a) Communication between examinees inside of the examination room.
 - (b) Giving or receiving any unauthorized assistance on the examination while an examination is in process.
 - (c) Having any unauthorized printed, written, or digital material in the examinee's possession used to, or that might serve to aid the examinee on the examination.
 - (d) Having any unauthorized mechanical, digital, electronic or other device or mechanism in the examinee's possession used to, or that might serve to, aid the examinee on the examination.
 - (e) Obtaining, using, buying, selling, distributing, having possession of, or having unauthorized access to examination questions or other secured examination material prior to, during or after the administration of the examination.
 - (f) Copying another examinee's answers or looking at another examinee's materials while an examination is in progress.
 - (g) Permitting anyone to copy answers to the examination.
 - (h) Removing any secured examination materials from the examination facility.
 - (i) Allowing another person to take the examination in the examinee's place.

- (j) Placing any identifying mark upon the examinee's examination papers other than the examinee's identification number or other identifiers as directed by the examination administrator.
 - (k) Writing on anything other than designated examination material.
 - (l) Writing or erasing anything after time is called.
 - (m) Having a cell phone in the examinee's possession.
 - (n) Having a device with copying, recording, or communication capabilities in the examinee's possession. These include but are not limited to cameras, pagers, PDAs, radios, headsets, tape players, calculator watches, electronic dictionaries, electronic translators, transmitting devices, and digital media players.
 - (o) Having a calculator in the examinee's possession that is not approved by the examination proctor.
 - (p) Removing pages from an exam booklet.
 - (q) Leaving the exam room without authorization.
 - (r) Engaging in any other act of examination subversion identified by the Board or proctor but not listed above.
- (3) In addition to subsections (1) and (2) of this rule, the Board may invalidate the examination results for any examinee who violates any other terms contained in testing regulations provided by the examination's administrator or proctor that are cause for dismissal or exam invalidation by the examination's administrator or proctor.
- (4) At the discretion of the Board or its designee, if there is evidence of examination subversion by an examinee prior to, during, or after the administration of the examination, one or more of the following may occur:
- (a) The examinee may be denied the privilege of taking the examination if examination subversion is detected before the administration of the examination.
 - (b) If the examination subversion detected has not yet compromised the integrity of the examination, such steps as are necessary to prevent further examination subversion shall be taken, and the examinee may be permitted to continue with the examination.
 - (c) The examinee may be requested to leave the examination facility if examination subversion is detected during the examination. If the examinee does not leave the facility, the examinee will be deemed a trespasser.
 - (d) The examinee's examination results may be voided and the application fee forfeited.
 - (e) The examinee may not be allowed to sit for an examination for up to three years.
- (5) If examination subversion is detected after the administration of the examination, the Board or its designee shall make appropriate inquiry to determine the facts concerning the examination subversion and the Board or its designee may take either or both of the actions described in paragraphs (d) and (e) of subsection (4) above, and may also discipline the examinee under the Board's rules of professional conduct.
- (6) Notwithstanding any other rule, the Board or its designee may choose not to release or make available the examination results to examinee or any other person pending the outcome of an investigation into examination subversion.
- (7) Voiding any part of an examinee's examination for subversion shall constitute voiding the examinee's entire examination.
- (8) Applicants are required to sign statements regarding examination subversion in order to take an examination. Applicants who refuse to sign statements regarding examination subversion will be denied the privilege of taking the examination and the application fees for the examination paid to the Board are forfeited.

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