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Oregon Bulletin

October 1, 2012

Board of Examiners for Engineering and Land Surveying, Chapter 820

Rule Caption: Amend rules related to registration and application for registration. Amend rule related to Hearing Requirements.

Adm. Order No.: BEELS 4-2012

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Rules Amended: 820-001-0015, 820-010-0215, 820-010-0225, 820-010-0226, 820-010-0415, 820-010-0440, 820-010-0444, 820-010-0463, 820-010-0470, 820-020-0040

Subject: OAR 820-001-0015 — Revises the requirements related to a hearing request as a result of recent changes made to the Model Rules as they relate to the Administrative Procedures Act (APA).

OAR 820-010-0215 — Revises language to include that any evidence of further preparation for readmission to a subsequent examination as required by OAR 820-010-0465 must be included in the single application package.

OAR 820-010-0225 — Revises language to clarify that examination scores will only be released if the official transcript(s) that documents the degree and date awarded is received within 6 months of taking the examination.

OAR 820-010-0226 — Revises language to clarify that examination scores will only be released if the official transcript(s) that documents the degree and date awarded is received within 6 months of taking the examination. Also includes language to accept education obtained from programs related to engineering or land surveying for entrance to the FLS examination; sets the criteria.

OAR 820-010-0415 — Housekeeping; Removes language that refers to the Washington State Board of Registration for Professional Engineers and Land Surveyors and the obsolete Memorandum of Understanding (MOU).

OAR 820-010-0440 — Changes the available administration for the Industrial discipline from Fall to Spring; minor housekeeping.

OAR 820-010-0444 — Housekeeping; Deletes the Washington Structural III examination from the examinations proctored by the Board.

OAR 820-010-0463 — Housekeeping; Deletes reference to the cutoff score and MOU related to the Washington Structural III examination.

OAR 820-010-0470 — Housekeeping; Deletes the Washington Structural III examination.

OAR 820-020-0040 — Includes additional reasons that may invalidate the examination results of an examinee who engages in examination subversion.

Rules Coordinator: Mari Lopez—(503) 362-2666, ext. 26

820-001-0015**Hearing Request and Answers: Consequences of Failure to Answer**

- (1) A hearing request, and answer when required, shall be made in writing to the Board by the party or the party's attorney.
- (2) An answer shall be made in writing to the Board with any request for a hearing on a matter related to the following categories of cases where the proposed violation(s) involves allegations of:
 - (a) Examination subversion or irregularities;
 - (b) Denials of enrollments, certificates or registrations due to lack of education or experience;
 - (c) Right of entry violations under ORS 672.047;
 - (d) Violations of rules and statutes relating to professional conduct;
 - (e) Negligence, gross negligence or incompetence;
 - (f) Stamping or signing work that was not performed under the Registrant's supervision and control; or
 - (g) Unlicensed practice of engineering, land surveying or photogrammetry.
- (3) The answer shall include the following:
 - (a) An admission or denial of each factual matter alleged in the notice; and
 - (b) A short, concise statement of each relevant affirmative defense the party may have.
- (4) When an answer is required:
 - (a) Factual matters alleged in the notice and not denied in the answer shall be presumed admitted;
 - (b) Failure to raise a particular defense in the answer will be considered a waiver of such defense;
 - (c) New matters alleged in the answer (affirmative defenses) shall be presumed to be denied by the agency; and
 - (d) Evidence shall not be taken on any issue not raised in the notice and the answer.
- (5) When an answer is required, the party or party's attorney may amend the response and answer, but no later than 10 days before the scheduled contested case hearing.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 2-1983, f. 2-28-83, ef. 3-1-83; BEELS 1-1998, f. & cert. ef. 2-10-98; BEELS 4-2012, f. & cert. ef. 9-14-12

820-010-0215**Form of Applications**

- (1) Applications for registration as professional engineers, professional land surveyors, professional photogrammetrists and for enrollment as an EI, an LSI, or an application for certification as a water right examiner will be made on printed forms issued by the Board in accordance with Board instructions.
- (2) All applications must be accompanied by the appropriate fee.
- (3) The following must be submitted to the Board in a single package by the application deadline in OAR 820-010-0442:
 - (a) Application;
 - (b) Experience Details form;
 - (c) Reference Details forms;
 - (d) Request for Reasonable Accommodations to Oregon Specific Examinations; and
 - (e) Explanation of any work performed in conjunction with any educational program as defined in OAR 820-010-0010.

(f) If applicable, any evidence of further preparation for readmission to a subsequent examination as required by OAR 820-010-0465.

(4) Applications for registration as professional engineers, professional land surveyors, or professional photogrammetrists must be accompanied by a completed take-home examination on the laws and rules in Oregon.

(5) The following documents may be submitted by the issuer to the Board office and received no later than December 15 for the Spring examination administration or no later than June 15 for the Fall examination administration:

(a) Official verification of examinations and/or substantially equivalent examinations successfully passed;

(b) Official verification of current registration by another jurisdiction;

(c) Official transcripts or course-by-course evaluations; or

(d) NCEES Records.

(6) Applicants who do not comply with this rule will be considered failing to complete the application process, subject to OAR 820-010-0300, and not eligible to forward fees.

Stat. Auth.: ORS 670.310, 672.095, 672.157, & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 20, f. & ef. 12-15-77; EE 1-1983, f. 2-28-83, ef. 3-1-83; EE 2-1986, f. 3-26-86, ef. 3-31-86; EE 4-1987, f. & ef. 12-1-87; EE 1-1992, f. & cert. ef. 2-3-92; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; Renumbered from 820-010-0220; BEELS 6-2005, f. & cert. ef. 12-13-05; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 3-2008, f. & cert. ef. 11-14-08; BEELS 4-2008, f. & cert. ef. 12-12-08; BEELS 2-2009, f. & cert. ef. 11-13-09; BEELS 1-2010, f. & cert. ef. 5-12-10; BEELS 2-2010(Temp), f. & cert. ef. 12-28-10 thru 6-26-11; BEELS 1-2011, f. & cert. ef. 1-14-11; BEELS 2-2012, f. & cert. ef. 5-10-12; BEELS 4-2012, f. & cert. ef. 9-14-12

820-010-0225

Educational Qualifications to Take the Fundamentals of Engineering (FE) Examination for Enrollment as an Engineering Intern (EI)

Applicants for admission to examination for enrollment as an EI will be required to submit the following evidence to show eligibility to take the FE examination:

(1) Official transcripts that document the degree and date awarded, demonstrating completion of an engineering curriculum satisfactory to the Board, as described in (3) below.

(2) If taking the examination prior to graduation, a statement signed by an official from the school, university or college that all work necessary to obtain a degree in a curriculum satisfactory to the Board has been or will be completed within four months following the examination as provided in ORS 670.010. Official transcript(s) that document the degree and date awarded, verifying completion must be received within 6 months of taking the examination to release examination scores and to allow enrollment as an EI. Scores will only be released if the official transcript(s) that documents the degree and date awarded is received within 6 months of taking the examination.

(3) For entrance to the FE examination, a curriculum satisfactory to the Board shall include:

(a) Graduation from an EAC of ABET accredited engineering program;

(b) Graduation from a TAC of ABET baccalaureate engineering program;

(c) Graduation from an ACCE accredited four-year baccalaureate construction engineering management program;

(d) Graduation from a graduate degree program in engineering at a college or university that has an EAC of ABET accredited undergraduate degree program in the same field as the graduate degree program, combined with completion of 21 semester/32 quarter hours of engineering related technical course work. The courses shall include at least six of the following nine subjects: Differential Equations, Physics, Statistics, Statics, Dynamics, Thermodynamics, Fluid Mechanics, Electrical Fundamentals and Strength of Materials.

(e) Graduation from TAC of ABET accredited two-year Engineering Technology program or graduation from a two-year Associate of Applied Science program in Engineering Technology that includes the following:

(A) A total of at least 64 semester/96 quarter hours;

(B) At least 32 semester/48 quarter hours in technical courses. (Skills and knowledge of appropriate methods, procedures and techniques; experience in carrying out established engineering procedures);

(C) At least 16 semester/24 quarter hours in math and science, including:

(i) 4 semester/6 quarter hours in basic science (physics, chemistry, earth and life sciences);

(ii) 8 semester/12 quarter hours in mathematics (not including courses below the level of college algebra or courses in computer programming);

(D) At least 9 semester/13 quarter hours in social science, humanities and communications; and

(E) In addition to the educational requirements set forth in paragraph (e) of subsection (3), graduates from two-year programs shall complete two or more years of engineering work before qualifying to take the FE examination for enrollment as an EI. In the alternative, graduates from two-year programs may complete additional course work consisting of 21 semester/32 quarter hours in Differential Equations, Physics, Statistics, Statics, Dynamics, Thermodynamics, Fluid Mechanics, Electrical Fundamentals and Strength of Materials.

(f) Completion of a curriculum that the Board finds has adequately prepared the application for enrollment as an EI.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 16, f. 3-5-74, ef. 3-25-74; EE 20, f. & ef. 12-15-77; EE 1-1986, f. 2-4-86, ef. 2-15-86; EE 1-1992, f. & cert. ef. 2-3-92; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; EE 2-1996, f. & cert. ef. 10-3-96; BEELS 1-1998, f. & cert. ef. 2-10-98; BEELS 1-1999, f. 5-27-99, cert. ef. 7-1-99; BEELS 1-2001, f. & cert. ef. 5-22-01; BEELS 1-2004, f. & cert. ef. 1-26-04; BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 2-2008, f. & cert. ef. 7-9-08; BEELS 2-2009, f. & cert. ef. 11-13-09; BEELS 4-2012, f. & cert. ef. 9-14-12

820-010-0226

Educational Qualifications to Take the Fundamentals of Land Surveying (FLS) Examination for Enrollment as a Land Surveying Intern (LSI)

Applicants for admission to examination for enrollment as an LSI will be required to submit the following evidence to show eligibility to take the FLS examination:

(1) Official transcripts that document the degree and date awarded, demonstrating completion of a land surveying curriculum satisfactory to the Board, as described in (3) below.

(2) If taking the examination prior to graduation, a statement signed by an official from the school, university or college that all work necessary to obtain a degree in a curriculum satisfactory to the Board has been or will be completed within four months following the examination as provided in ORS 670.010. Official transcript(s) that document the degree and date awarded, verifying completion must be received within 6 months of taking the examination to release examination scores and to allow enrollment as an LSI. Scores will only be released if the official transcript(s) that documents the degree and date awarded is received within 6 months of taking the examination.

(3) For entrance to the FLS Examination, a curriculum satisfactory to the Board shall include:

(a) Graduation from an EAC of ABET accredited four-year baccalaureate land surveying program;

(b) Graduation from an ASAC of ABET accredited four-year baccalaureate land surveying program;

(c) Graduation from a TAC of ABET accredited four-year baccalaureate land surveying program;

(d) Graduation from an EAC of ABET accredited four-year baccalaureate engineering program with 11 semester/16 quarter hours of surveying instruction and surveying law.

(e) Graduation from a TAC of ABET accredited four-year baccalaureate engineering program with 11 semester/16 quarter hours of surveying instruction and surveying law.

(f) Graduation from an ACCE accredited four-year baccalaureate engineering program with 11 semester/16 quarter hours of surveying instruction and surveying law.

(g) Graduation from a graduate degree program in land surveying at a college or university that has an ABET accredited undergraduate degree program in the same field, combined with completion of 11 semester/16 quarter hours of surveying

instruction.

(h) Graduation from an ASAC of ABET accredited two-year Surveying Technology program, a TAC of ABET accredited two-year Surveying Technology program, or a two-year Association of Applied Science program in Surveying Technology or Engineering Technology that includes the following:

(A) A total of at least 64 semester/96 quarter hours;

(B) At least 32 semester/48 quarter hours in technical courses, of which a minimum of 11 semester/16 quarter hours shall be in surveying instruction;

(C) At least 16 semester/24 quarter hours in subjects such as math, science, basic electricity, hydraulics, road design, construction management and estimating engineering economics with college level algebra, trigonometry and statistics;

(D) At least 9 semester/13 quarter hours in social science, humanities and communications; and

(E) In addition to the educational requirements set forth in paragraph (h) of subsection (3), graduates from two-year education programs shall complete two or more years of active practice in land surveying work before qualifying to take the FLS examination for enrollment as an LSI.

(i) Graduation from a degree program related to engineering or land surveying that includes the following:

(A) 21 semester/32 quarter hours of coursework with a direct geomatics focus that requires the application of geomatics knowledge and skills. One of these courses must be surveying law related;

(B) 27 semester/40 quarter hours that requires the application of mathematics for problem solving. At least one of these courses must focus on the application of differential and integral calculus;

(C) 24 semester/35 quarter hours related to physical and natural science with laboratory applications; and

(D) 4 semester/6 quarter hours of capstone or integrating experience that develops student competencies in applying both technical and non-technical skills in solving problems.

(j) Completion of a curriculum that the Board finds adequately prepared the applicant for enrollment as an LSI.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 2-2008, f. & cert. ef. 7-9-08; BEELS 2-2009, f. & cert. ef. 11-13-09; BEELS 4-2012, f. & cert. ef. 9-14-12

820-010-0415

Nature of the Examination for Professional Engineer (PE)

(1) An applicant to qualify for registration must obtain a passing grade for:

(a) A written examination in engineering fundamentals for qualification as an EI as covered in OAR 820-010-0420, unless exempted from this examination under 820-010-0455. Such examination may be taken at any scheduled examination period but must be passed in order to be admitted to the branch examination as covered in subsection (1)(b) of this rule; and

(b) A written examination in a professional branch of engineering, other than structural engineering, covering practical engineering problems in branches listed in OAR 820-010-0450.

(2) The uniform, national examinations are written and scored by the NCEES and administered by NCEES Exam Administration Services. Acoustical and Forest examinations are written, scored and administered by the Board.

(3) Before receiving a certificate of registration to practice professional engineering in Oregon, each applicant must pass a take-home examination on the laws and rules in Oregon.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 – 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 16, f. 3-5-74, ef. 3-25-74; EE 20, f. & ef. 12-15-77; EE 2, f. 12-4-85, ef. 12-16-85; EE 1-1992, f. & cert. ef. 2-3-92; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 1-2008, f. & cert. ef. 3-12-08; BEELS 2-2009, f. & cert. ef. 11-13-09; BEELS 4-2012, f. & cert. ef. 9-14-12

820-010-0440

Schedule of Examinations

Examinations will be held at times and locations determined by the Board or the outside testing provider. A Spring examination is usually scheduled in April and a Fall examination is usually scheduled in October. Each applicant accepted for examination will be notified of the time and location of the scheduled test. Examinations are offered based upon the following schedule:

(1) Spring examinations held in April are:

- (a) NCEES Fundamentals of Engineering.
- (b) NCEES Fundamentals of Land Surveying.
- (c) NCEES Principles and Practice Examinations in the following branches:
 - (A) Chemical.
 - (B) Civil.
 - (C) Electrical and Computer.
 - (D) Environmental.
 - (E) Industrial.
 - (F) Land Surveying.
 - (G) Mechanical.
 - (H) Naval Architecture/Marine.
 - (I) Structural 16-hour.
- (d) Certified Water Right Examiner.
- (e) Oregon Specific Forest.
- (f) Oregon Specific Land Surveying.
- (g) Photogrammetry.

(2) Fall examinations held in October are:

- (a) NCEES Fundamentals of Engineering.
- (b) NCEES Fundamentals of Land Surveying.
- (c) NCEES Principles and Practice Examinations in the following branches:
 - (A) Agricultural.
 - (B) Chemical.
 - (C) Civil.
 - (D) Control Systems.
 - (E) Electrical and Computer.
 - (F) Environmental.
 - (G) Fire Protection.
 - (H) Land Surveying.
 - (I) Mechanical.
 - (J) Metallurgical.

(K) Nuclear.

(L) Structural 16-hour.

(d) Oregon Specific Acoustical.

(e) California Geotechnical.

(f) Oregon Specific Land Surveying.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 20, f. & ef. 12-15-77; EE 1-1992, f. & cert. ef. 2-3-92; EE 2-1993(Temp), f. & cert. ef. 2-22-93; EE 3-1993, f. & cert. ef. 6-3-93; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; EE 3-1994(Temp), f. & cert. ef. 11-21-94; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; BEELS 5-2000, f. & cert. ef. 10-19-00; BEELS 3-2001, f. & cert. ef. 11-26-01; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 2-2008, f. & cert. ef. 7-9-08; BEELS 3-2008, f. & cert. ef. 11-14-08; BEELS 1-2010, f. & cert. ef. 5-12-10; BEELS 4-2012, f. & cert. ef. 9-14-12

820-010-0444

Proctoring of Examinations

(1) The Board has determined an outside testing provider will administer the NCEES examinations on behalf of the Board.

(2) The acoustical, forest, California geotechnical, and four-hour Oregon Specific land surveying examinations are administered by the Board and will be held only at the time and place prescribed by the Board within the State of Oregon.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 3-2008, f. & cert. ef. 11-14-08; BEELS 4-2012, f. & cert. ef. 9-14-12

820-010-0463

Cutoff Scores for Examinations

(1) The cutoff scores for the FE, FLS, PE, PLS, and Structural 16-hour examinations are established by NCEES.

(2) The cutoff scores for the acoustical, forest, and four-hour Oregon specific land surveying examinations are 70 points out of 100 points.

(3) The cutoff score for the photogrammetric mapping examination is established by the Colonial States Board of Surveyor Registration (CSBSR).

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 1-2011, f. & cert. ef. 1-14-11; BEELS 4-2012, f. & cert. ef. 9-14-12

820-010-0470

Review of Examinations Administered by the Board

(1) With respect to the acoustical, forest, and four-hour Oregon Specific land surveying examinations administered by the board, an applicant may submit a written request to review the applicant's own examination results. The board will allow a two-hour examination review when the applicant failed the examination and the applicant achieved a score within five points of the cutoff score. With respect to such reviews;

(a) An applicant may examine the test booklet, solution pamphlet and answer key.

(b) An acoustical, forest, or four-hour Oregon Specific Land Surveying applicant may review the examination on only one occasion. The board will prescribe a time and place for the review. Applicants must notify the board at least five days before the scheduled date that they review their examinations. Applicants who fail to review their examination at the prescribed time and place will not be allowed to reschedule a review of the examination.

(c) All examination reviews will be conducted in the presence of a person designated by the board.

(d) Except as allowed by the board for persons requiring disability assistance, no person may accompany the applicant during

the examination review.

(e) The applicant will not take any materials into nor remove any materials from the location where the examination review is conducted.

(f) The applicant may prepare and submit a written request for rescoring the applicant's examination, provided that the applicant's score otherwise satisfies the requirements of this section, while at the location where the examination review is conducted.

(2) The board may rescore an essay response for a qualified applicant if the applicant demonstrates, in writing, sufficient technical justification that their solution deserves reconsideration. The board's rescore determination is final and not subject to further review. An applicant requesting the board to rescore an examination must submit a complete written request within the two-hour timeframe.

(3) With respect to the certified water right examiner test, an applicant may submit a written request to review the applicant's own test results. The board will allow an examination review where the applicant failed the test and the applicant achieved a score within five points of the cutoff score. With respect to such reviews.

(a) An applicant may examine only the question, solution, and answer key for the failed problem.

(b) An applicant may review the test on only one occasion. The board will prescribe a time and place for the review.

(c) All test reviews will be conducted in the presence of a person designated by the board.

(d) Except as allowed by the board for persons requiring disability assistance, no person may accompany the applicant during the test review.

(4) Fee for rescore requests of examinations must accompany the written request. Acoustical, forest, certified water right test, or four-hour Oregon Specific Land Surveying examination — \$50/ per item to be rescored. Fee is payable to the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS).

(5) As the California Board does not facilitate examination reviews and appeals, California Geotechnical examination reviews are not permitted.

(6) Photogrammetry examination reviews are not permitted.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 3-1986, f. & ef. 7-21-86; EE 1-1989, f. & cert. ef. 1-3-89; EE 1-1992, f. & cert. ef. 2-3-92; BEELS 1-1998, f. & cert. ef. 2-10-98; BEELS 3-2002, f. & cert. ef. 11-13-02; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 3-2008, f. & cert. ef. 11-14-08; BEELS 2-2009, f. & cert. ef. 11-13-09; BEELS 1-2010, f. & cert. ef. 5-12-10; BEELS 4-2012, f. & cert. ef. 9-14-12

820-020-0040

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 includes, 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 or written matter or other devices in the examinee's possession that might serve to aid the examinee on the examination.

(d) Obtaining, using, buying, selling, distributing, having possession of, or having unauthorized access to secured examination questions or other secured examination material prior to, during or after the administration of the examination.

(e) Copying another examinee's answers or looking at another examinee's materials while an examination is in progress.

(f) Permitting anyone to copy answers to the examination.

- (g) Removing any secured examination materials from the examination facility.
 - (h) Allowing another person to take the examination in the examinee's place.
 - (i) 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.
 - (j) Use by an examinee of any written material, audio material, video material, digital material, or any other mechanism not specifically authorized during the examination for the purpose of assisting an examinee in the examination.
 - (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 on the NCEES approved list.
 - (p) Removing pages from an exam booklet.
 - (q) Leaving the exam room without authorization.
 - (r) Engaging in any other act of examination collusion not listed above.
- (3) The Board may invalidate the examination results of an examinee who engages in any other conduct for which NCEES invalidates the examinee's examination results.
- (4) In addition to subsections 2 and 3 of this rule, the Board may invalidate the examination results for any examinee who fails to comply with the conditions provided in the NCEES Candidate Agreement. Conditions include but are not limited to:
- (a) Having loose papers, legal pads, writing tablets, or unbound notes in the examinee's possession.
 - (b) Using a non-NCEES writing instrument or eraser to complete any portion of the exam.
 - (c) Beginning the exam before the proctor instructs the examinee to do so.
 - (d) Failing to stop writing immediately when time is called.
 - (e) Writing on anything other than the exam booklet or answer sheet; writing in the *FE Supplied-Reference Handbook*.
 - (f) Violating any other terms stated in the NCEES Candidate Agreement that are cause for dismissal or exam invalidation.
- (5) 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.
- (6) 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 any of the actions described in section (1) through (3) herein.

(7) Notwithstanding OAR 820-010-0440, 820-010-0470, or 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.

(8) Removal of the examinee from or voiding the examinee's examination of any one part of a multiple part examination shall constitute removal from or voiding of all other parts of the multiple part examination.

(9) 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. The application fees for the examination paid to the Board are forfeited.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 1-2005, f. & cert. ef. 3-16-05; BEELS 3-2008, f. & cert. ef. 11-14-08; BEELS 4-2012, f. & cert. ef. 9-14-12

Notes

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