

[The following is an OCR version of letter from Eugene Sand and Gravel to the Oregon State Board of Geologist Examiners. Original page breaks are the same here as in original letter. Some errors in OCR may remain. –MR/26 March 2002]

Eugene Sand and Gravel, Inc. [Letterhead]
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February 27, 2002

Oregon Board of Geologist Examiners
707 13th Street SE, Suite 275
Salem, Oregon 97301

Attn: Susanna Knight
Administrator

Re: Complaint of ORS Violations by Mark H. Reed

Please accept this complaint regarding Dr. Mark H. Reed, a geology professor at the University of Oregon. We believe Dr. Reed has willfully violated the provisions of ORS 672.525 at least 49 times as described below and request the Board of Geologist Examiners investigate this matter and take appropriate action. Dr. Reed's testimony against us in this land use process has damaged the credibility of our geology consultants, our company and its future in our community. We have spent a considerable amount of time, effort and money responding to the geologic evaluations and other geologic testimony submitted to the record by Dr. Reed.

In July 1999, Eugene Sand and Gravel filed a land use application, PA 99-5996, with Lane County. The file record for testimony regarding the application is closed as of January 30, 2002. Per state land use law, the Lane County Board is to make their decision based solely on the technical merits of our application in a quasi-judicial manner. The Lane County Board of Commissioners will likely make their decision regarding our application in March 2002.

Dr. Reed, who apparently is not registered with the State of Oregon, has presented a number of misleading reports and oral testimony regarding geology issue in an attempt to prevent approval of our application with Lane County to mine gravel. Both the Lane County Planning Commission and the Board of Commissioners have viewed Dr. Reed as a practicing geological expert regarding this project. Dr. Reed has done nothing to dissuade them from this view and has typically referred to himself as an "Economic Geologist" in his reports, letters and other submittals to the record.

Registered geologists hired by our company have spent considerable time and effort to respond to criticism, evaluations, reports, and other testimony submitted by Dr. Reed. Included with this letter are Dr. Reed's submittals and Eugene Sand & Gravel's responses. Dr. Reed's written testimony, though often redundant, exceeds 400 pages. In addition to his written material, we have included five video segments of Dr. Reed's oral testimony and two video segments of the Lane County Board of Commissioner's deliberations regarding Dr. Reed's testimony. The runtime for video segments totals 65 minutes, a summary of which is attached to this letter.

Noncompliance with ORS 672.525: We are aware each violation of ORS 672.525 is a Class A misdemeanor subject to a civil penalty of up to \$1,000 for each offense. Following are count and descriptions of what we believe to be violations by Dr. Reed of Oregon statute. All of the documents listed were offered as testimony to Lane County and have become part of the file record for our land use application. The video recordings are also part of the PA 99-5996 file record, with the exception of the March 29, 2000 presentation by Dr. Reed at Harris Hall.

Count 1: Exhibit 344, submitted 3/24/00- Letter from Mark H. Reed is an 8-page geologic evaluation regarding resource significance and constitutes the public practice of geology by a person other than a registered geologist {ORS 672.525 (1)}.

Count 2: Exhibit 344, submitted 3/24/00- Letter from Mark H. Reed displaying his title as "Economic Geologist", a title tending to convey the impression that he is a registered geologist {ORS 672.525 (2)}.

Count 3: Exhibit 404, submitted 4/04/00- Letter from Mark H. Reed is a 9-page geologic evaluation regarding resource significance and constitutes the public practice of geology by a person other than a registered geologist {ORS 672.525 (1)}.

Count 4: Exhibit 404, submitted 4/04/00- Letter from Mark H. Reed displaying his title as "Economic Geologist", a title tending to convey the impression that he is a registered geologist {ORS 672.525 (2)}.

Count 5: Exhibit 434b, submitted 4/11/00- Letter from Mark H. Reed is a 9-page geologic evaluation regarding resource significance and constitutes the public practice of geology by a person other than a registered geologist {ORS 672.525 (1)}.

Count 6: Exhibit 434b, submitted 4/11/00- Letter from Mark H. Reed displaying his title as "Economic Geologist", a title tending to convey the impression that he is a registered geologist {ORS 672.525(2)}.

Count 7: Exhibit 434e, submitted 4/11/00- Letter from Mark H. Reed is an 8-page geologic evaluation regarding resource significance and constitutes the public practice of geology by a person other than a registered geologist {ORS 672.525 (1)}.

Count 8: Exhibit 434e, submitted 4/11/00- Letter from Mark H. Reed displaying his title as "Economic Geologist", a title tending to convey the impression that he is a registered geologist {ORS 672.525 (2)}.

Count 9: Exhibit 437 submitted 4/11/00- Written version of public testimony prepared by Mark Reed is a 1-page geologic evaluation regarding resource significance, flooding and groundwater. This document constitutes the public practice of geology by a person other than a registered geologist {ORS 672.525 (1)}.

Count 10: Exhibit 437, submitted 4/11/00- In the testimony Mark Reed lists his title as "Economic Geologist and Professor of Economic Geology, University of Oregon", a title tending to convey the impression that he is a registered geologist {ORS 672.525 (2)}.

Count 11: Exhibit 566, submitted 5/01/00- Though this is an email to Lane County staff it is regarded as testimony by Lane County and is part of the file record. In this testimony Mark Reed lists his title as "Economic Geologist", a title tending to convey the impression that he is a registered geologist {ORS 672.525 (2)}.

Count 12: Exhibit 618a, submitted 7/7/00- Letter from Mark H. Reed displaying his title as ..Economic Geologist", a title tending to convey the impression that he is a registered geologist {ORS 672.525 (2)}.

Count 13: Exhibit 618b, submitted 7/7/00- Report from Mark H. Reed Geologic Evaluation of the Harper-Lemert Gravel Resource a 74-page geologic evaluation regarding resource significance and other geologic matters. This extensive report constitutes the public practice of geology by a person other than a registered geologist {ORS 672.525 (1)}.

Count 14: Exhibit 618b, submitted 7/7/00- Report from Mark H. Reed displaying his title as "Economic Geologist", a title tending to convey the impression that he is a registered geologist {ORS 672.525 (2)}.

Count 15: Exhibit 661b, submitted 8/31/00- Report from Mark H. Reed Response to Geologic Arguments by Eugene Sand and Gravel in Their July 2000 Response to Public Testimony a 21-page geologic evaluation. This report constitutes the public practice of geology by a person other than a registered geologist {ORS 672.525 (1)}.

Count 16: Exhibit 661 b, submitted 8/31/00- Report from Mark H. Reed displaying his title as "Economic Geologist", a title tending to convey the impression that he is a registered geologist (In the report Dr. Reed admits he is not a registered geologist in the State of Oregon and then infers nonetheless it is legal for him to engage in the public practice of geology. As part of his reasoning he explains that as a professor of geology he instructs those studying to become registered geologists, further inferring his geological expertise and qualifications. Also in the report Dr. Reed attempts to impugn the reputation of two registered geologists, Dorian Kuper and Ralph Christensen, as well as DOGAMI staff member Frank Schnitzer.) {ORS 672.525 (2)}.

Count 17: Exhibit 673a, submitted 9/19/00- Letter from Mark H. Reed displaying his title as "Economic Geologist", a title tending to convey the impression that he is a registered geologist {ORS 672.525 (2)}.

Count 18: Exhibit 674, submitted 9/21/00- Email from Mark H. Reed is a one page geologic evaluation regarding resource significance and constitutes the public practice of geology by a person other than a registered geologist {ORS 672.525 (1)}.

Count 19: Exhibit 674, submitted 9/21/00- Email from Mark H. Reed displaying his title as "Economic Geologist", a title tending to convey the impression that he is a registered geologist {ORS 672.525 (2)}.

Count 20: Exhibit 801d, submitted 8/07/01 -Report from Mark H. Reed Geologic Issues Concerning the Harper-Lemert Gravel Resource. This 151-page report constitutes the public practice of geology by a person other than a registered geologist {ORS 672.525 (1)}.

Count 21: Exhibit 801d, submitted 8/07/01 -Report from Mark H. Reed displaying his title as "Economic Geologist and Professor of Geology", a title tending to convey the impression that he is a registered geologist {ORS 672.525 (2)}.

Count 22: Exhibit 948a, submitted 9/10/01 -Report from Mark H. Reed Response to question from Lane County Commissioner Sorenson on Flooding. This 19-page report constitutes the public practice of geology by a person other than a registered geologist {ORS 672.525 (1)}.

Count 23: Exhibit 948a, submitted 9/10/01- Report from Mark H. Reed displaying his title as "Professor of Economic Geology", a title tending to convey the impression that he is a registered geologist {ORS 672.525 (2)}.

Count 24: Exhibit 948b, submitted 9/10/01 -Report from Mark H. Reed Response to question from Lane County Commissioner Dwyer on Whether a Mining Cell with Substantial Prime Soil Area Qualifies for Gravel Mining on its Own. This 4-page report constitutes the public practice of geology by a person other than a registered geologist {ORS 672.525 (1)}.

Count 25: Exhibit 948b, submitted 9/10/01 -Report from Mark H. Reed displaying his title as "Professor of Economic Geology", a title tending to convey the impression that he is a registered geologist {ORS 672.525 (2)}.

Count 26: Exhibit 948c, submitted 9/10/01 -Report from Mark H. Reed Response to question from Lane County Commissioner Sorenson on Availability of Aggregate in Other Locations. This 2-page report constitutes the public practice of geology by a person other than a registered geologist {ORS 672.525 (1)}.

Count 27: Exhibit 948c, submitted 9/10/01 -Report from Mark H. Reed displaying his title as "Professor of Economic Geology", a title tending to convey the impression that he is a registered geologist {ORS 672.525 (2)}.

Count 28: Exhibit 948d, submitted 9/10/01 -Report from Mark H. Reed Response to question from Lane County Commissioner Sorenson on ODOT Standards and Representative Sampling of the Aggregate Resource. This 24-page report constitutes the public practice of geology by a person other than a registered geologist {ORS 672.525 (1)}.

Count 29: Exhibit 948d, submitted 9/10/01 -Report from Mark H. Reed displaying his title as "Professor of Economic Geology", a title tending to convey the impression that he is a registered geologist {ORS 672.525 (2)}.

Count 30: Exhibit 948e, submitted 9/10/01 -Report from Mark H. Reed Response to question from Lane County Commissioners Dwyer, Morrison and Sorenson On the DLCD Opinion, the 60-foot Rule and Multiple Layers of Gravel. This 24-page report constitutes the public practice of geology by a person other than a registered geologist {ORS 672.525 (1)}.

Count 31: Exhibit 948e, submitted 9/10/01 -Report from Mark H. Reed displaying his title as "Professor of Economic Geology", a title tending to convey the impression that he is a registered geologist {ORS 672.525 (2)}.

Count 32: Exhibit 962b, submitted 10/08/01 -Report from Mark H. Reed Response to Selected Groundwater and Flooding Issues at Eugene Sand and Gravel's Proposed Harper-Lemert Gravel Site. This 11-page report constitutes the public practice of geology by a person other than a registered geologist {ORS 672.525 (1)}.

Count 33: Exhibit 962b, submitted 10/8/01 -Report from Mark H. Reed displaying his title as "Professor of Economic Geology", a title tending to convey the impression that he is a registered geologist {ORS 672.525 (2)}.

Count 34: Exhibit 962d, submitted 10/08/01 -Report from Mark H. Reed The Harper-Lemert Gravel Resource: An Evaluation of the Gravel Thickness and Quality with Respect to ODOT Standards. This 35-page report constitutes the public practice of geology by a person other than a registered geologist {ORS 672.525 (1)}.

Count 35: Exhibit 962d, submitted 10/8/01 -Report from Mark H. Reed displaying his title as "Professor of Economic Geology", a title tending to convey the impression that he is a registered geologist {ORS 672.525 (2)}.

Count 36: Guest commentary by Mark Reed printed on the opinion page of the 12/18/01 Register Guard Editorial on gravel site ignored crucial views. This 1,000-word document contains a geologic evaluation of the River Road site. The document, published in 76,400 copies of the newspaper printed that day, constitutes the public practice of geology by a person other than a registered geologist {ORS 672.525 (1)}.

Count 37: Guest commentary by Mark Reed printed on the opinion page of the 12/18/01 Register Guard Editorial on gravel site ignored crucial views. -Commentary describes Dr. Reed's as (1) "a scientist specializing in mineral resource geology" and (2) "a professor of mineral resource geology at the University of Oregon", descriptions tending to convey the impression that he is a registered geologist {ORS 672.525 (2)}.

Count 38: Document submitted 01/29/02 to Lane County (not yet given an exhibit number for PA 99-5996) -Report from Mark H. Reed The Harper-Lemert Gravel Site: A Response to Eugene Sand and Gravel's Request for [Re]consideration. This 15-page report and attached documents (including the 12/18/01 commentary from the Register Guard) constitutes the public practice of geology by a person other than a registered geologist {ORS 672.525 (1)}.

Count 39: Document submitted 01/29/02 to Lane County (not yet given an exhibit number) -Report from Mark H. Reed displaying his title as "Professor of Geology" and "Professor, Department of Geological Sciences", titles tending to convey the impression that he is a registered geologist {ORS 672.525 (2)}.

Count 40: Video segment 1 : Farmland for Gravel. Exhibit 412, submitted 04/04/00 - This 30-minute video contains clips of Mark Reed explaining his geologic evaluation of the River Road site. The video was (1) entered as testimony, (2) viewed by the public on March 29, 2000 at a meeting at Harris Hall in Eugene and (3) replayed dozens of times on CTV , Eugene's public access cable television channel. Mark Reed's portions of this video constitute the public practice of geology by a person other than a registered geologist {ORS 672.525 (1)}.

Count 41: Video segment 1 : Farmland for Gravel, Exhibit 412, submitted 04/04/00- This segment contains the first 8-minutes of the 30-minute video produced by opponents to PA 99-5996. The video contains clips of Mark Reed explaining his geologic evaluation of the River Road site. Dr. Reed is twice described as "geologist Mark Reed" a title tending to convey the impression that he is a registered geologist {ORS 672.525 (2)}.

Count 42: Video segment 2: Mark Reed March 29, 2000 oral presentation on geology- This 20-minute video shows portions of a public meeting sponsored by a local citizens group and held on March 29, 2000 at Harris Hall in Eugene. During the meeting Mark Reed gave a 16-minute presentation about his evaluation of the geology regarding PA 99-5996. This presentation is the only evidence offered by Eugene Sand & Gravel that is not also testimony submitted to Lane County. Mark Reed's presentation on March 29, 2000 constitutes the public practice of geology by a person other than a registered geologist {ORS 672.525 (1)}.

Count 43: Video segment 2: Mark Reed March 29, 2000 oral presentation on geology - At beginning of his presentation Dr. Reed explains his geology employment and consulting history to establish his expertise. In addition Dr. Reed describes himself as "a practicing economic geologist for the last 25 years" a title tending to convey the impression that he is a registered geologist {ORS 672.525 (2)}.

Count 44: Video segment 3: Mark Reed April 18, 2000 oral testimony to the Lane County Planning Commission -This 7-minute video shows Dr. Reed testifying regarding his geologic evaluation of the Harper-Lemert site. He explains his interpretation and opinion regarding drilling, sampling and testing, and how these relate to resource significance of the site's aggregate deposit. Mark Reed's testimony constitutes the public practice of geology by a person other than a registered geologist {ORS 672.525 (1)}.

Count 45: Video segment 3: Mark Reed April 18, 2000 oral testimony to the Lane County Planning Commission -Dr. Reed describes himself as "an economic geologist, I'm a professor of economic geology at the University of Oregon. .." a title tending to convey the impression that he is a registered geologist {ORS 672.525 (2)}.

Count 46: Video segment 4: Mark Reed August 7, 2001 oral testimony to the Lane County Board of Commissioners -This 13-minute video shows Dr. Reed testifying regarding his geologic evaluation of the Harper-Lemert site. He covers issues related to aggregate resource significance and groundwater at the site. This video shows only his prepared testimony, the 13-minute presentation. At various times after the presentation Dr. Reed answered questions posed by the Board of Commissioners. A transcript of all of Dr. Reed's August 7, 2001 testimony is included in the documents submitted with this complaint. Mark Reed's testimony constitutes the public practice of geology by a person other than a registered geologist {ORS 672.525 (1)}.

Count 47: Video segment 4: Mark Reed August 7, 2001 oral testimony to the Lane County Board of Commissioners -Dr. Reed introduces himself as" a university professor at the University of Oregon, Department of Geology, specializing in economic geology and geochemistry" a title tending to convey the impression that he is a registered geologist. He continues to convey the same impression while describing his professional and consulting history .At one point he states, " ...while at the University of Oregon I've been a frequent consultant to mining and energy companies" {ORS 672.525 (2)}.

Count 48: Video segment 7: Mark Reed January 30, 2002 oral testimony to the Lane County Board of Commissioners -This 4-minute video shows Dr. Reed testifying regarding his geologic evaluation of the Harper-Lemert site. Testimony was limited to 3- minutes for each person testifying at this hearing. His testimony covers issues related to aggregate resource significance at the site. Mark Reed's testimony constitutes the public practice of geology by a person other than a registered geologist {ORS 672.525 (1)}.

Count 49: Video segment 7 Mark Reed January 30, 2002 oral testimony to the Lane County Board of Commissioners -Dr. Reed introduces himself as "a mineral resource geologist from the University of Oregon" a title tending to convey the impression that he is a registered geologist {ORS 672.525 (2)}.

Public perception of Mark Reed: It is apparent that a majority of the 5-member Lane County Board of Commissioners and some of the 9-member Lane County Planning Commission view Dr. Reed as an expert geologist. His geologic testimony, although nearly always counter to testimony offered by geologists registered with the State of Oregon, has been referenced and even touted by commissioners as reason to deny approval of our land use application. Video segments 6 and 7 are examples where Dr. Reed's testimony is construed as that of a professional geologist practicing and consulting in Oregon and elsewhere.

If you have questions or require additional information regarding this complaint please contact Dale Fortner at 541 683-6400, extension 245.

[signature]

Dale Fortner
Production Dept. Manager

[signature]

Mike Alltucker
President

Enclosures