



# Oregon

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

670 Hawthorne Ave. SE, Suite 220

Salem, OR 97301

(503) 362-2666

Fax (503) 362-5454

E-mail: osbeels@osbeels.org

**Oregon Board of Examiners for Engineering and Land Surveying  
Special Meeting of the Law Enforcement Committee  
Meeting Summary  
Tuesday, July 14, 2009, at 8:00 a.m.**

Members Present:

Dan Linscheid, Chair

Ed Butts

Grant Davis

Ken Hoffine

Staff Present:

Mari Lopez

James R. (JR) Wilkinson

Allen McCartt

Others Present:

Respondent in case 2443

The special meeting of the Law Enforcement Committee (LEC) was called to order at 8:00 a.m. in the conference room of the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) office at 670 Hawthorne Ave. SE, Suite 220, Salem, OR 97301. Chair Linscheid announced that the purpose of the meeting was to discuss a Notice of Intent to Revoke Registration and Assess a \$5,000 Civil Penalty (NOI) issued to the respondent, a PE, in case 2443.

The respondent stated his belief that he had refuted the allegations. He continued that the subject plans were done for a project four to five years ago and, as an example of current work, offered the LEC recently sealed calculations. However, the LEC remained focused on the plans noticed in the NOI.

The respondent reminded the LEC that the plans had been submitted to the County and rejected. When he was subsequently brought into the project, the design called for a cantilever wall with floor support. The respondent redesigned it as a vertical beam with triangular loading as an insulated wall and then changed it to cantilever wall without floor support. In the end, he again changed the plans when the client requested that earth loading go to full depth rather than to 9' as originally designed. The respondent explained that the changes were client driven as the project went through numerous structural as well as interior design changes. At his client's insistence, he sealed and signed plans for the County review, but informed the client that the plans were not done. Due to the above difficulties with the plans, he was eventually terminated as the engineer.

The respondent stated he is not proud of his work on this project because it was out of his control to complete.

LEC member Grant Davis, SE, advised the respondent that the County identified a number of issues that were communicated to the respondent by plan reviewers. When Davis examined the communications, calculations, and plans that were exchanged between the respondent and the County, Davis focused on those issues he believed were a matter of life safety. Furthermore and due to the numerous changes, Davis analyzed the third set of plans that the respondent sealed, signed, and submitted for approval. Davis continued that when plans are sealed and signed and submitted for approval to a jurisdiction, most jurisdictions only look to see a PE seal and will do no further review. In this instance, there would have been serious problems had the County approved for construction the third set of plans. Davis pointed out that the County correctly rejected the engineering.

Davis inspected the plans with the respondent to identify the main deficiencies, which included a mislabeled room causing a different structural load, no concentrated roof loads on the first floor glu-lam beams, no concentrated loads applied to tall walls for the discontinuous diaphragm design, no calculations for the shear and overturning events for a pure cantilever wall, and walls were not properly detailed. The respondent remarked that he was not pleased with the design, which underwent numerous client-driven changes. Davis concluded that the respondent was unable to produce calculations and plans compliant to the current building codes and to the standard of practice.

The LEC noted that in most of Oregon's building departments the design would have been approved and built. However, there were design problems that were life safety issues flagged by the County in plan review letters, which the respondent failed to resolve. The respondent replied that he tried to rectify the problems, but the client would not cooperate with the changes. Davis observed that problems in the first stamped plans were there in the third stamped plans. The respondent asserted that the problems evolved. In response, the LEC expressed concern that the respondent was answering to client pressure rather than recognizing his primary obligation is to protect the safety, health, property and welfare of the public. If the plans were not complete, he should not have affixed his seal and signed the plans as final documents.

Upon consideration, the LEC offered the respondent to retire his registration and to drop the civil penalty. In response to various questions, Assistant Attorney General (AAG) Tucker-Davis explained his options to reach settlement or to prepare for a hearing. The respondent also learned that he could use "PE, (retired)" if he retired his registration since a revocation would not allow that use. The respondent admitted the plans were lousy and accepted retirement. He noted that he had one or two minor projects to wrap. AAG Tucker-Davis reminded the respondent that by signing the settlement agreement he must cease all engineering activities. He was informed he could work under the supervision and control of another engineer, but he could not practice in responsible charge.

**The LEC recommended approving the settlement agreement.**

The meeting adjourned at 8:47 a.m.