



Oregon

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

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**Oregon Board of Examiners for Engineering and Land Surveying
Special Meeting of the Law Enforcement Committee**

Meeting Summary

Friday, October 30, 2009, at 2:00 p.m.

Members Present:

Dan Linscheid, Chair

Ed Butts

Carl Tappert

Staff Present:

James R. (JR) Wilkinson

Allen McCartt

Jill Jamros

Others Present:

Joanna Tucker-Davis, AAG

The special teleconference meeting of the Law Enforcement Committee (LEC) was called to order at 2:00 p.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 review a settlement offer made by an attorney to resolve a Notice of Intent to Revoke Registration and Assess a \$2,000 Civil Penalty (NOI) against his client, a PLS, in law enforcement case number 2465.

Upon convening the LEC, Chair Linscheid asked Assistant Attorney General (AAG) Joanna Tucker-Davis to explain a reference the respondent's attorney made to the Oregon Evidence Code (OEC) Rule 408. AAG Tucker-Davis stated that the settlement offer could not be used against the respondent in a hearing if settlement was not reached. There was no further comment from the LEC regarding the matter.

AAG Tucker-Davis also suggested that the LEC convene in executive session in order to consult with her regarding the legal aspect of the settlement offer. Chair Linscheid announced an executive session under ORS 192.660(2)(h) and asked that any public members leave the teleconference. Upon reconvening in open session, Chair Linscheid stated that no final action was taken and no final decisions were made while in executive session.

A LEC member noted that the settlement offer for the respondent to “non-renewal of his current surveyor’s license,” which expires December 31, 2010, needed to be weighed against the time spent in a hearing with possible appeals. Another member questioned what “non-renewal” means, but admitted that details could be worked out.

The LEC discussion turned to the specifics. The LEC authorized Chair Linscheid to finalize the details of a settlement agreement with the respondent’s attorney in concert with AAG Tucker-Davis.

The LEC listed its terms to include: 1) The respondent would not renew his license on December 31, 2010, and would agree not to seek relicensure; (2) The respondent would admit to negligence, but not the untruthful allegations; 3) The respondent would agree not to take on any new work; 4) The respondent would supply the Board with a list of his current clients (date TBD); 5) The respondent would provide a second list of his clients, updates, and a statement that he has taken on no new clients (due December 1, 2010); and 6) If the Board finds that he has taken on additional work during that time period or afterwards, his license will be revoked and he will owe a \$2,000 fine.

The LEC adjourned at approximately 2:15.