



Oregon State Board of Examiners for Engineering & Land Surveying  
670 Hawthorne Avenue SE, Suite 220, Salem, OR 97301  
Phone: 503-362-2666  
Fax: 503-362-5454  
Email: OSBEELS.Info@oregon.gov

March 12, 2019

## **Judge Issues Opinion and Order in U.S. District Court for Oregon Case No. 3:17-cv-00652-SB**

On December 29, 2018, U.S. Magistrate Judge Stacie F. Beckerman issued her opinion and order in the U.S. District Court for Oregon case 3:17-cv-00652-SB. In this case, the members of the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) were the defendants against plaintiff Mats Järnlström. The case was first filed by Mr. Mats Järnlström in April, 2017, challenging the constitutionality of the OSBEELS's title and practice laws in Oregon Revised Statutes (ORS) 672.002-672.325, and sought injunctive relief for himself.

Generally, the OSBEELS title act is the set of laws that regulate whether a person may hold himself or herself out as a “professional engineer”, “professional land surveyor”, or “registered professional photogrammetrist”. Also generally, the OSBEELS practice act is the set of laws that regulate whether a person may perform engineering, land surveying, or photogrammetric mapping work.

The OSBEELS understands the attention the professional engineering and land surveying communities were paying to this case and because of this, the OSBEELS would like to summarize the outcome of the case and inform our state registrants what its practical impact will be.

Regarding the OSBEELS title act, the Federal Court found that in two instances the title act (ORS 672.002(2) and ORS 672.007(1)(b)), violated the first amendment of the U.S. Constitution. As a resolution, the court struck the word “engineer” from these two subsections of the law, but left the terms “professional engineer” and “registered engineer” intact as regulated titles.

The Court did not find any sections of the OSBEELS practice act unconstitutional.

The OSBEELS did not dispute the sought-after Injunctive Relief for Mr. Järnlström, and it withdrew the final order issued by the Board against him in 2016. The District Court’s order prevents any future Board investigations related to his research and communications concerning traffic light timing, with some narrow exceptions. This relief also grants Mr. Järnlström the ability to describe himself as an “engineer”.

Mr. Järnlström did not appeal the District Court’s ruling.

As a result of this case, the OSBEELS will no longer investigate or pursue an unregistered individual who identifies themselves as an “engineer.”

However, the OSBEELS will continue to register individuals and protect the life, health, and property of the public by regulating the professions of engineering, land surveying, and photogrammetric mapping.

The Oregon Department of Justice is pursuing legislative changes to conform ORS 672.002(2) and ORS 672.007(1)(b) to the Court’s order.

[Judge Beckerman’s Opinion and Order](#)