



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

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BEFORE THE OREGON STATE BOARD OF EXAMINERS

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FOR ENGINEERING AND LAND SURVEYING

6 In the Matter of:

Case No. 2990

7 DALE L. HULT

FINAL ORDER BY DEFAULT

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On or about November 1, 2016, the Oregon State Board of Examiners for Engineering and Land Surveying (Board) properly served a Notice of Intent to Assess a Civil Penalty (Notice) on Dale L. Hult (Hult). Hult did not request a hearing, and paid his full civil penalty amount of \$500.00. The Notice designated the Board file on this matter as the record for purposes of establishing a *prima facie* case upon default. Therefore, upon consideration of the facts and law, the Board enters the following Order:

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

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At all relevant times, Hult was an Oregon Professional Land Surveyor registration number 02427. The Board issued his certificate of registration on January 23, 1990, and it is currently unexpired.

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Hult is the president and owner of All County Surveyors & Planners, Inc. (All County) which, on or about July 1, 2015, surveyed the property of Kashmir Dhadwal (Dhadwal) at 61999 E Hwy 26, Brightwood, Oregon, for development of an RV Park.

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3.

No survey crew members employed by All County are registered Professional Land Surveyors. As a registered Professional Land Surveyor who is owner and president of All County, unless Hult specifically assigns supervision of the surveying work conducted by members of All County's crew for a project to another registered Professional Land Surveyor, Hult must be the Professional Land Surveyor supervising and in responsible charge of the unlicensed survey crew members if they are to lawfully engage in surveying work. See ORS 676.002(9) and (10), 672.025, and 672.060(4), and OAR 820-005-0075 and 820-005-0080.

4.

Jane Gille (Gille) and Thomas Covelle (Covelle) owned property adjacent to Dhadwal's property. On or about July 1, 2015, the All County survey crew marked the Dhadwal/Gille property line with flagging, for the Dhadwal survey. On or about July 1, 2015, the All County survey crew marked the the Dhadwal/Covelle property line with flagging, for the Dhadwal survey.

5.

ORS 672.005(2)(d) defines the practice of land surveying, in pertinent part, as, "Locating, relocating, establishing, reestablishing or retracing any property lines or boundaries for any tract of land, road right-of-way or easement."

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Property lines for adjoining properties necessarily fall on both subject properties. By flagging property lines, the All County survey crew entered the Dhadwal, Gille, and Covelle properties and established, re-established, or retraced property lines for a survey. They also thereby performed surveying work as agents of Hult.

7.

Neither Hult nor his survey crew provided notice of entry to Gille and Covelle by first class mail; Neither Hult nor his survey crew delivered a notice of entry to Gille and Covelle by personal notice; and, neither Hult nor his survey crew placed a notice of entry in a conspicuous place where Gille and Covelle might be reasonably expected to see it.

8.

ORS 672.047(4) provides, in pertinent part:

A registered professional land surveyor, or any employee or agent of the land surveyor, may not enter upon land for the purpose of surveying, performing other survey work or establishing a permanent survey monument without first providing notice to the landowner by first class mail or by personal notice. If the land is occupied by a person other than the landowner, notice must also be given to the occupant by first class mail or by personal notice. Notice that is given by first class mail must be mailed at least seven days prior to the entry onto the land. Notice that is given by personal notice must be hand-delivered to the landowner or occupant or be posted in a conspicuous place where the landowner or occupant may reasonably be expected to see the notice. The notice shall give the professional land surveyor's name, address, telephone number, purpose, availability of the survey and the presence of any temporary or permanent monuments or other markers to be left on the land.

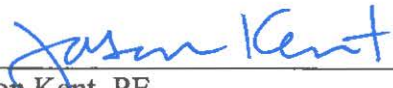
9.

By entering upon Gille and Covelle's land for the purpose of surveying and performing survey work, via his agents, without first providing notice of entry to the landowners by first

1 class mail or personal notice, including by posting such notice in a conspicuous place where the
2 landowners might be reasonably expected to see it, Hult failed to give proper notice of entry,
3 thereby violating ORS 672.047(4).

4 **FINAL ORDER**

5 Based on the foregoing and pursuant to ORS 183.745 and ORS 672.325, it is HEREBY
6 ORDERED that a civil penalty is imposed on Dale L. Hult in the amount of \$500 for the
7 violation of ORS 672.047(4). The civil penalty is due and payable 70 days after the date of this
8 order, unless the penalty has already been paid.

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11 _____
12 Jason Kent, PE
13 Board President
14 Oregon State Board of Examiners for
15 Engineering and Land Surveying

1-10-2017
16 _____
17 Date

18 **NOTICE**

19 Civil penalties, if unpaid, may be recorded and filed with the county clerks as liens against
20 property 10 days after the expiration of the statutory appeals period (70 days after issuance of
21 this order). Make checks payable to the Oregon State Board of Examiners for Engineering and
22 Land Surveying.

23 **APPEAL RIGHTS**

24 You are entitled to judicial review of this order in accordance with ORS Chapter 183.482. You
25 may request judicial review by filing a petition with the Court of Appeals in Salem, Oregon
26 within 60 days from the date of service of this order.