



# 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

BEFORE THE OREGON STATE BOARD OF EXAMINERS  
FOR ENGINEERING AND LAND SURVEYING

In the Matter of:

MITCHELL JAMES DURYEYEA


Case No. 2888

FINAL ORDER INCORPORATING  
SETTLEMENT AGREEMENT

Based on the attached Settlement Agreement, incorporated herein, the Oregon State Board of Examiners for Engineering and Land Surveying (Board) finds that Mitchell James Duryea (Duryea) violated OAR 820-025-0005(2) (former OAR 820010-0620) for failing to include an expiration date or date of renewal on his seal.

IT IS HEREBY ORDERED that pursuant to ORS 672.325 and ORS 183.745, the Board assesses Duryea a civil penalty of \$250.

DATED this 10<sup>TH</sup> day of JANUARY, 2018.

  
Shelly Duquette, PE, SE, President  
Oregon State Board of Examiners for  
Engineering and Land Surveying

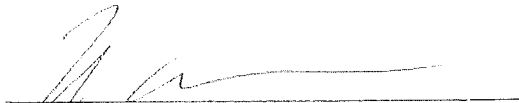
**SETTLEMENT AGREEMENT**

The Board, by and through its President, Shelly Duquette, PE, SE, and Mitchell James Duryea (Duryea), do hereby agree and stipulate as follows:


1. The Board and Duryea agree to settle this matter in accordance with ORS 183.417(3).
2. Duryea is an Oregon registered Professional Land Surveyor, license number 59638PLS. The Board issued his certificate of registration on July 11, 2000. Duryea's registration is currently in Active status with an expiration date of December 31, 2019.
3. On June 21, 2017, the Board issued a Notice of Intent to Assess Civil Penalty against Duryea and assesses a civil penalty of \$1,500. The Board charged Duryea with violating ORS 209.250 and OAR 820-025-0005(2) (former OAR 820010-0620) for failing to submit for review a permanent map of survey to the county within 45 days of establishing a monument and for failing to include an expiration date or date of renewal on his seal.
4. On or about July 11, 2017, Duryea requested an informal conference with the Law Enforcement Committee (LEC) of the Board on the matter.
5. On December 7, 2017, the LEC and Duryea met in an informal conference to discuss a settlement. Duryea agreed to settle the matter.
6. The Board finds that Duryea violated OAR 820-025-0005(2) (former OAR 820010-0620) for failing to include an expiration date or date of renewal on his seal on the following projects as alleged in the Notice:

MLK Blvd. and 80 Centennial Loop Eugene, OR (ALTA 2005)	•Because Duryea failed to include an expiration date or date of renewal on his stamped seal, he violated OAR 820-025-0005(2) (former OAR 820-010-0620)
Ross Knott's Retirement Center 2874 Creekside Circle Medford, OR (ALTA 2013)	•Because Duryea failed to include an expiration date or date of renewal on his stamped seal, he violated OAR 820-025-0005(2) (former OAR 820-010-0620)
East Cascade Retirement Community 175 NE 16th Street Madras, OR (ALTA 2011)	•Because Duryea failed to include an expiration date or date of renewal on his stamped seal, he violated OAR 820-025-0005(2) (former OAR 820-010-0620)
Clatsop Retirement Village 947 Olney Avenue Astoria, OR (ALTA 2011)	•Because Duryea failed to include an expiration date or date of renewal on his stamped seal, he violated OAR 820-025-0005(2) (former OAR 820-010-0620)
Tanner Springs 23000 Horizon Dr. West Linn, OR(ALTA 2011)	•Because Duryea failed to include an expiration date or date of renewal on his stamped seal, he violated OAR 820-025-0005(2) (former OAR 820-010-0620)

- 1 7. The Final Order Incorporating Settlement Agreement sets forth the entire agreement of the  
2 parties. Duryea agrees that the determination of any violation of this settlement agreement is  
3 entirely within the Board's discretion.
- 4 8. The Board and Duryea agree that Duryea is assessed a civil penalty of \$250 for violating  
5 OAR 820-025-0005(2) (former OAR 820010-0620).
- 6 9. Payment shall be made to the "Oregon State Board of Examiners for Engineering and Land  
7 Surveying" and delivered or mailed to 670 Hawthorne Street SE, Suite 220, Salem, Oregon  
8 97301, no later than February 1, 2018.
- 9 10. If Duryea fails to pay any part of the civil penalty on its due date, the Board will assess a  
10 15% interest rate on any unpaid balance.
- 11 11. Duryea acknowledges that the Final Order Incorporating Settlement Agreement is a public  
12 record and may be disclosed in accordance with Oregon's public records law.
- 13 12. Duryea represents that he has carefully read this Settlement Agreement and Consent Order,  
14 understands the intent and content of the document, and signs below of his own free will,  
15 without coercion or duress. Duryea hereby waives any and all rights to appeal or challenge  
16 this Settlement Agreement and Consent Order.

17  
18  
19   
\_\_\_\_\_  
Mitchell James Duryea

12-18-17  
\_\_\_\_\_  
Date

20  
21   
\_\_\_\_\_  
Shelly Duquette, PE, SE, President  
22 Oregon State Board of Examiners  
23 for Engineering and Land Surveying

10 JAN 18  
\_\_\_\_\_  
Date