



Oregon

State Board of Examiners for
Engineering & Land Surveying
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**BEFORE THE OREGON STATE BOARD OF EXAMINERS
FOR ENGINEERING AND LAND SURVEYING**

In the Matter of:

THOMAS RAY HAMILTON

Case No. 2941

**FINAL ORDER INCORPORATING
SETTLEMENT AGREEMENT**

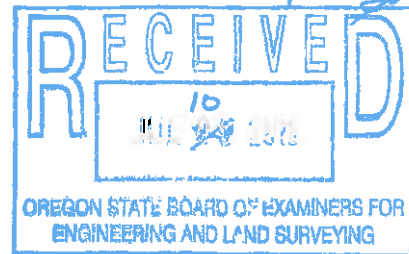
Based on the attached Settlement Agreement, incorporated herein, the Oregon State Board of Examiners for Engineering and Land Surveying (Board) finds that Thomas Ray Hamilton (Hamilton) violated: (1) ORS 209.250(3)(d) for failing to include measured distances to any monumented section corners, one-quarter corners, or one-sixteenth corners along the area denoted as "Property Boundary/Old Fence Line" on the Ashard Survey, filed on October 27, 2014, with the Lincoln County Surveyors Office; and (2) OAR 820-020-0015(2) for describing an area as "acquired by possession" in the Ashard Survey before a Court had determined whether the land had in fact been acquired by adverse possession.

IT IS HEREBY ORDERED that pursuant to ORS 672.325 and ORS 183.745, the Board assesses Hamilton a civil penalty of \$500.

DATED this 10 day of July, 2018.

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

July 10th



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SETTLEMENT AGREEMENT

The Board, by and through its President, Shelly Duquette, PE, SE, and Thomas Ray Hamilton (Hamilton), do hereby agree and stipulate as follows:

- 1. The Board and Hamilton agree to settle this matter in accordance with ORS 183.417(3).
- 2. Hamilton is an Oregon-registered Professional Land Surveyor, license number 01816PLS.

The Board issued his certificate of registration on July 13, 1979. Hamilton's registration is currently in Active status with an expiration date of June 30, 2019.

- 3. On January 16, 2018, the Board issued a Notice of Intent to Assess Civil Penalty against Hamilton and assessed a civil penalty of \$3,250. The Board charged Hamilton with violating: (1) ORS 209.250(3)(d) for failure to include measured distances on the Ashard Survey; (2) OAR 820-020-0025(1) for including claims in the Ashard Survey that were neither objective nor truthful and did not include all relevant and pertinent information; (3) OAR 820-020-0015(8) for failure to cooperate with an investigation of the Board; (4) OAR 820-020-0015(2) for failure to recognize that his primary duties include protection of the property and welfare of the public by describing an area as "acquired by possession" in the Ashard Survey before a Court had determined whether the land had in fact been acquired by adverse possession; and (5) OAR 820-020-0015(2) for failure to conform with accepted land surveying standards by describing an area as "acquired by possession" in the Ashard Survey before a Court had determined whether the land had in fact been acquired by adverse possession.

- 4. On or about February 1, 2018, Hamilton requested an informal conference with the Law Enforcement Committee (LEC) of the Board on the matter.

- 5. On June 14, 2018, the LEC and Hamilton met in an informal conference to discuss a settlement. Hamilton agreed to settle the matter.

- 6. The Board finds that Hamilton violated: (1) ORS 209.250(3)(d) for failing to include measured distances to any monumented section corners, one-quarter corners, or one-sixteenth

1 corners along the area denoted as "Property Boundary/Old Fence Line" on the Ashard
2 Survey, filed on October 27, 2014, with the Lincoln County Surveyors Office; and (2) OAR
3 820-020-0015(2) for describing an area as "acquired by possession" in the Ashard Survey
4 before a Court had determined whether the land had in fact been acquired by adverse
5 possession.

6 7. The Final Order Incorporating Settlement Agreement sets forth the entire agreement of the
7 parties. Hamilton agrees that the determination of any violation of this settlement agreement
8 is entirely within the Board's discretion.

9 8. The Board and Hamilton agree that Hamilton is assessed a civil penalty of \$500 for violating
10 ORS 209.250(3)(d) and OAR 820-020-0015(2).

11 9. Payment shall be made to the "Oregon State Board of Examiners for Engineering and Land
12 Surveying" and delivered or mailed to 670 Hawthorne Street SE, Suite 220, Salem, Oregon
13 97301, no later than August 1, 2018.

14 10. If Hamilton fails to pay any part of the civil penalty on its due date, the Board will assess a
15 15% interest rate on any unpaid balance.

16 11. Hamilton acknowledges that the Final Order Incorporating Settlement Agreement is a public
17 record and may be disclosed in accordance with Oregon's public records law.

18 12. Hamilton represents that he has carefully read this Settlement Agreement and Consent Order,
19 understands the intent and content of the document, and signs below of his own free will,
20 without coercion or duress. Hamilton hereby waives any and all rights to appeal or challenge
21 this Settlement Agreement and Consent Order.

22 Tom Hamilton
23 Thomas Ray Hamilton

10 July 2018
Date

24
25 Shelly Duquette
26 Shelly Duquette, PE, SE, President
Oregon State Board of Examiners
for Engineering and Land Surveying

10 Jul 18
Date