

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16

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

In the Matter of:

JACOB TIMOTHY WRIGHT

Case No. 3025

FINAL ORDER BY DEFAULT

17  
18  
19  
20  
21  
22  
23

On or about December 6, 2017, 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 Jacob T. Wright (Wright). Wright failed to timely request a hearing. 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:

**FINDINGS OF FACT AND ULTIMATE FACTS**

1. Wright is not now, and never has been, registered to engage in the professional practice of engineering in Oregon.
2. On or about August, 2014, Wright was hired by Viswesh Bhat (Bhat) to design and engineer a home in Portland, Oregon (the Bhat Project).
3. Before hiring Wright, Bhat reviewed the website for Wright's company, JTWright Engineering LLC, which contained verbiage that designated Wright as an engineer. Relying on this verbiage, Bhat hired Wright.

- 1 4. While working for Bhat, Wright did not mention he was not a licensed engineer, nor did he  
 2 claim to be or mention working under the supervision and control of a licensed engineer.
- 3 5. Troy D. Lyver (Lyver) is an Oregon registered professional engineer, license number  
 4 52994PE.
- 5 6. Lyver informed the Board he was hired by Wright for the Bhat project “when [Wright] got  
 6 the job” in “April or May” of 2015. However, Bhat had hired and paid Wright a retainer in  
 7 August of 2014. Thus, Wright held himself out to be an engineer to Bhat for at least 8 months  
 8 prior to contacting Lyver to be the engineer of record.
- 9 7. Shan Stassens (Stassens), a contractor working on the Green Grove Co-Housing (Green  
 10 Grove) development project in Forest Grove, Oregon explained that, to his knowledge,  
 11 Wright was managing the structural engineering and drafting for Green Grove.
- 12 8. Wright represented himself to be a licensed engineer in the State of Oregon commercially  
 13 and in professional relationships, using the word “engineering” through title block or  
 14 letterhead on at least 8 occasions:

<u>Job/Project Number</u>	<u>Description</u>
Title Block Job Number: 14-009 Date: 11/12/2014	Carport Addition 15550 NW Willis RD McMinnville, OR Design Plans
Title Block Job Number: 15-022 Date: 11/28/2015	Winsome Construction Armstrong/Ellavsky Residence McMinnville, OR Roof Plan
Title Block Job Number: 15-010 Date: 06/23/2015	Carberry Residence Pleasant Hill Rd. Sheridan, OR Fdn. And Main Floor Framing
Letterhead Job Number: 15-010	Gravity Analysis Buck Bailey Design Carberry Residence
Letterhead Job Number: 14-010	Lateral Design Analysis Buck Bailey Design

1	Letterhead Job Number: 15-022	Gravity Analysis Winsome Construction Armstrong Residence
2		
3	Title Block Job Number: 15-016 Date: 09/04/2015	Pacific Seawatch Lot 3 Pacific City, OR General Notes and Fdn. Details
4		
5	Title Block Job Number: 15-010 Date: 04/23/2015	Carberry Residence Pleasant Hill Rd. Sheridan, OR Basement Foundation Plan
6		

7

**APPLICABLE LAW**

- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
1. OAR 820-010-0720(3) provides, in pertinent part, that an individual, firm, partnership, corporation, or other entity shall not advertise for or offer to perform or perform...professional services for which a license or certificate is required under ORS chapter 672 or 537, unless and until the individual, firm, partnership, corporation, or other entity first obtains a full-time partner, manager, officer or employee...registered to provide those professional services under ORS Chapter 672, and who is not working for the individual, firm, partnership, corporation or other entity only via contract or as a consultant on a specific project or projects. (emphasis added)
  2. ORS 672.045(1) prohibits the practice of engineering without having a valid certificate to so practice.
  3. ORS 672.007(1) provides, in pertinent part, that a person is practicing or offering to practice engineering if the person: “(a) by verbal claim, sign, advertisement, letterhead, card or in any other way implies that the person is or purports to be a registered professional engineer; (b) through the use of some other title implies that the person is an engineer or a registered professional engineer \* \* \* \*.”

- 1 4. ORS 672.045(2) provides that a person may not falsely represent, by any means, that the  
2 person is authorized to practice engineering.
- 3 5. Under OAR 820-040-0005(8), in pertinent part, “engineer,” when used alone and not as part  
4 of the phrases “professional engineer” or “registered professional engineer,” in ORS 672.002  
5 and in conjunction with ORS 672.045, refers to when the word “engineer” is used to claim or  
6 imply that an individual is registered to perform engineering work Oregon.
- 7 6. Under ORS 672.325(1), the Board may impose a civil penalty of up to \$1,000 per violation.

8 **CONCLUSIONS OF LAW**


- 9 1. Because Wright advertised and offered to perform professional engineering services on the  
10 Bhat Project without registering as a professional engineer in the State of Oregon, Wright  
11 violated OAR 820-010-0720(3).
- 12 2. Because Wright represented on eight occasions with letterhead and/or title blocks that he was  
13 a licensed engineer in Oregon able to perform engineering services when he was not actually  
14 a licensed engineer in Oregon, Wright committed eight violations of ORS 672.045(2).

15 **ORDER**

16 For the reasons above, the Board finds that Wright violated OAR 820-010-0720(3) on one  
17 (1) occasion and ORS 672.045(2) on eight (8) occasions.

18 IT IS HEREBY ORDERED that pursuant to ORS 672.325 and ORS 183.745, the Board  
19 assesses Wright a civil penalty of \$9,000.

20 DATED this 13 day of March, 2018.

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

1 **NOTICE**

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

6 **APPEAL RIGHTS**

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

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23