



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:
BRAD L. HUPY


Case No. 2989

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 Brad L. Hupy (Hupy) violated ORS 672.020 (1), ORS 672.045 (1) & (4), OAR 820-010-0520, OAR 820-020-0005 (6) on 121 occasions, OAR 820-020-0025 (1) on two occasions, OAR 820-020-0050 (1) and OAR 820-010-0720 (3).

IT IS HEREBY ORDERED that pursuant to ORS 672.325 and ORS 183.745, the Board assesses Hupy a civil penalty of \$123,200, with all but \$30,800 of that civil penalty suspended for five years. If, at the end of the five years, Hupy has complied with all of the terms of the incorporated settlement agreement, the suspended amount of Hupy's civil penalty shall be considered satisfied. If, however, Hupy fails to satisfy any term of the incorporated settlement agreement, the suspended amount of Hupy's civil penalty shall become immediately due and payable.

DATED this 8 day of May, 2018.


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

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SETTLEMENT AGREEMENT

The Board, by and through its President, Shelly Duquette, PE, and Brad L. Hupy (Hupy), do hereby agree and stipulate as follows:

1. The Board and Hupy agree to settle this matter in accordance with ORS 183.417(3).
2. The Board issued Hupy his certificate of registration under number 49541PE on May 11, 2010. Hupy is currently not registered in Oregon as a Professional Engineer as Hupy's registration is currently in delinquent status as of June 30, 2013.
3. On February 20, 2018, the Board issued a Notice of Intent to Assess Civil Penalty against Hupy and assesses a civil penalty of \$123,200. The Board charged Hupy with violating ORS 672.020(1), ORS 672.045 (1) & (4), OAR 820-010-0520 and OAR 820-020-0005 (6) on 121 occasions for Unlicensed practice of Engineering, OAR 820-020-0025 (1) for Untruthfulness on two occasions, OAR 820-020-0050 (1) for Failure to notify the Board of address change, and OAR 820-010-0720 (3) for Advertising services while unlicensed.
4. On February 28, 2018, Hupy requested an informal conference with the Law Enforcement Committee (LEC) of the Board on the matter.
5. On April 12, 2018, the LEC and Hupy had an informal conference to discuss the settlement. Hupy agreed to settle the matter, therefore no hearing is required.
6. The Board finds and Hupy admits that Hupy committed the violations as alleged in the Notice.
7. Over the course of several years while in delinquent status, Hupy stamped and signed 121 Oregon engineering projects, which included such work as Geotechnical Evaluations, Segmental Retaining Wall Designs, Geotechnical Special Inspections, Geotechnical foundation stability due diligence evaluations, Structural Redesign, Structural Underpinning, Deck

Foundation Recommendations, Geotechnical Stormwater Management Recommendations, Slope

1 Stability Analysis, Trestle Replacement Recommendations, Sewer Line Recommendations, Fill
2 Density Testing, Basement Wall Recommendations and Gravel Pavement Designs.

3 8. In two, separate biennial licensing periods, on or about July 1, 2013 and July 1,
4 2015, Hupy falsely updated the expiration date on his professional engineering stamp, while his
5 license was lapsed.

6 9. On his company website, Hupy continued to advertise with the titles of
7 professional engineer and geotechnical engineer while his registration was lapsed.

8 10. Mail sent to Hupy to the address listed on his registration with OSBEELS, 9180
9 SW Ibach Ct., Tualatin, OR 97062, returned undeliverable on June 16, 2016. On May 26, 2016,
10 OSBEELS staff discovered Hupy's actual address was 824 SE 12th Ave. in Portland, Oregon.

11 11. The Final Order Incorporating Settlement Agreement sets forth the entire
12 agreement of the parties. Hupy agrees that the determination of any violation of this settlement
13 agreement is entirely within the Board's discretion.

14 12. Hupy understands and acknowledges that his registration will transition from
15 delinquent status to lapsed status if not renewed by June 30, 2018, which will require him to re-
16 take and pass the qualifying examinations for licensure should he desire to be registered as a
17 Professional Engineer in Oregon again.

18 13. The Board and Hupy agree that a civil penalty of \$123,200 is assessed against
19 Hupy, but that all but \$30,800 of the civil penalty assessed shall be suspended for five years. If at
20 the end of five years, Hupy has met all of the following conditions, the remaining \$92,400 shall
21 be considered satisfied. However, if Hupy fails to meet any of the conditions below, any
22 remaining balance, including the \$92,400 suspended amount of the civil penalty, shall be
23 immediately due and payable, and may also be subject to additional discipline by the Board.

24 13.1. All of Hupy's registration renewal fees and delinquent fees currently due,
25 in the amount of \$690, must be paid in full by June 30, 2018.

26 13.2 Hupy must complete 30 Professional Development Hours (PDH) in

1 engineering ethics by June 30, 2018 through the Texas Tech University Murdough Center for
2 Engineering Professionalism:

3 13.3. Hupy must complete his remaining delinquent PDH, in the amount of 90
4 PDH units, by June 30, 2019.

5 13.4 None of the PDH Hupy obtains as specified in sub-paragraphs 13.2 and
6 13.3 of this Settlement Agreement shall satisfy Hupy's PDH requirements for the 2019-2020
7 registration biennium. If Hupy renews his registration as an Oregon Professional Engineer, he
8 will be responsible for obtaining all required PDH in the 2019-2020 biennium in addition to the
9 PDH specified in sub-paragraphs 13.2 and 13.3 of this settlement agreement.

10 13.5 Hupy must immediately remove the titles of PE, GE, professional engineer
11 and geotechnical engineer from all identifying business resources and tools by April 30, 2018
12 and provide satisfactory evidence of having done so to the Board by April 30, 2018 as well.
13 Hupy must not identify as a PE or GE unless and until he successfully renews his Oregon
14 registration as a Professional Engineer, especially qualified in geotechnical engineering.

15 13.6 Hupy shall not commit any new violations of the Board's laws or rules, from
16 April 12, 2018 through April 12, 2023.

17 13.7 Payment of the \$30,800 of the civil penalty currently due shall be made to
18 the "Oregon State Board of Examiners for Engineering and Land Surveying," hand-delivered or
19 mailed to 670 Hawthorne Street SE, Suite 220, Salem, Oregon 97301, in 24 consecutive,
20 monthly payments, on the following payment schedule:

21 13.7.1 \$1,291 due and payable no later than June 1, 2018.

22 13.7.2 \$1,283 due and payable no later than July 1, 2018.

23 13.7.3 \$1,283 due and payable no later than August 1, 2018.

24 13.7.4 \$1,283 due and payable no later than September 1, 2018.

25 13.7.5 \$1,283 due and payable no later than October 1, 2018.

26 13.7.6 \$1,283 due and payable no later than November 1, 2018.


- 1 13.7.7 \$1,283 due and payable no later than December 1, 2018.
- 2 13.7.8 \$1,283 due and payable no later than January 1, 2019.
- 3 13.7.9 \$1,283 due and payable no later than February 1, 2019.
- 4 13.7.10 \$1,283 due and payable no later than March 1, 2019.
- 5 13.7.11 \$1,283 due and payable no later than April 1, 2019.
- 6 13.7.12 \$1,283 due and payable no later than May 1, 2019.
- 7 13.7.13 \$1,283 due and payable no later than June 1, 2019.
- 8 13.7.14 \$1,283 due and payable no later than July 1, 2019.
- 9 13.7.15 \$1,283 due and payable no later than August 1, 2019.
- 10 13.7.16 \$1,283 due and payable no later than September 1, 2019.
- 11 13.7.17 \$1,283 due and payable no later than October 1, 2019.
- 12 13.7.18 \$1,283 due and payable no later than November 1, 2019.
- 13 13.7.19 \$1,283 due and payable no later than December 1, 2019.
- 14 13.7.20 \$1,283 due and payable no later than January 1, 2020.
- 15 13.7.21 \$1,283 due and payable no later than February 1, 2020.
- 16 13.7.22 \$1,283 due and payable no later than March 1, 2020.
- 17 13.7.23 \$1,283 due and payable no later than April 1, 2020.
- 18 13.7.24 \$1,283 due and payable no later than May 1, 2020.

19 13.8 Hupy may pay any amount of the \$30,800 in advance of its due date without
20 penalty.


21 13.9 In addition to constituting a failure to meet the terms of this Settlement
22 Agreement, if Hupy fails to pay any part of the civil penalty on its due date, the Board
23 will also assess a 15% interest rate on any unpaid balance.

24 14. Hupy acknowledges that the Final Order Incorporating Settlement Agreement is a
25 final order and public record, and may be disclosed in accordance with Oregon's public records
26 law.

1 15. Hupy represents that he has carefully read this Settlement Agreement and Consent
2 Order, understands the intent and content of the document, and signs below of his own free will,
3 without coercion or duress. Respondent hereby waives any and all rights to appeal or challenge
4 this Settlement Agreement and Consent Order.

5
6  4/24/2018
7 BRAD L. HUPY Date

Date 5/0/18

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

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