



# 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:

DONALD PAUL SHERMAN


Case No. 3028

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 Donald Paul Sherman (Sherman) was negligent in his engineering plans for Applications 13-173118, 15-157450, 15-232213, 15-195751, and 16-130049. Further, the Board finds that, in violation of ORS 672.200(2), Sherman was grossly negligent in his engineering plans for Applications 13-173118 and 15-232213.

IT IS HEREBY ORDERED that pursuant to ORS 672.325, ORS 183.417(3), and ORS 183.745, the Board assesses Sherman a civil penalty of \$3,300 and suspends Sherman's Oregon professional engineering registration for 30 days.

DATED this 12 day of September, 2018.

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



1 6.3 Thus, Sherman demonstrated negligence in his plans for Applications 13-173118, 15-  
2 157450, 15-195751, and 16-130049.

3 7. The Board further finds, and Sherman further denies:

4 7.1 Sherman submitted for review to BDS plans for a "significant structure" in Application  
5 15-232213 when he was not licensed to design significant structures, and thereby failed to act  
6 in the manner of a reasonably prudent and skillful engineer in his community.

7 7.2 Thus, Sherman demonstrated negligence in his plans for Application 15-232213.

8 8. The Board further finds, and Sherman further denies:

9 8.1 Sherman sealed and signed plans for a five-story, 55-unit apartment building, which is a  
10 "significant structure" requiring Structural Engineer licensure, in Application 15-232213,  
11 without holding a Structural Engineer license.

12 8.2 Sherman thereby committed an error of such magnitude that it demonstrated willful  
13 indifference to the consequences, which were to put lives and safety of the public at risk.

14 8.3 Therefore, Sherman demonstrated gross negligence in designing and submitting his plans  
15 for Application 15-232213.

16 9. The Board further finds, and Sherman further denies:

17 9.1 Sherman failed to address the overstressed beam that was noted as Item 7 in each of the  
18 three structural check-sheets for Application 13-173118;

19 9.2 Sherman thereby committed an error of such magnitude that it demonstrated willful  
20 indifference to the consequences of an overstressed beam, which in turn endangered the life  
21 and safety of the public.

22 9.3 Therefore, Sherman demonstrated gross negligence in his plans for Application 13-  
23 173118.

24 10. The Final Order Incorporating Settlement Agreement sets forth the entire agreement of the  
25 parties. Sherman agrees that the determination of any violation of this settlement agreement  
26 is entirely within the Board's discretion.

- 1 8. The Board and Sherman agree that Sherman is assessed a civil penalty of \$3,300 for  
2 negligence and a 30-day license suspension for gross negligence.
- 3 9. Payment shall be made to the "Oregon State Board of Examiners for Engineering and Land  
4 Surveying" and delivered or mailed to 670 Hawthorne Street SE, Suite 220, Salem, Oregon  
5 97301, no later than October 1, 2018.
- 6 10. If Sherman fails to pay any part of the civil penalty on its due date, the Board will assess a  
7 15% interest rate on any unpaid balance.
- 8 11. Sherman acknowledges that the Final Order Incorporating Settlement Agreement is a public  
9 record and may be disclosed in accordance with Oregon's public records law.
- 10 12. Sherman represents that he has carefully read this Final Order Incorporating Settlement  
11 Agreement, understands the intent and content of the document, and signs below of his own  
12 free will, without coercion or duress.
- 13 13. Sherman acknowledges that the Final Order Incorporating Settlement Agreement is a final  
14 order, and that by signing this Settlement Agreement, he hereby waives any and all rights to  
15 appeal or judicial review of this Final Order Incorporating Settlement Agreement.

17 Donald P. Sherman  
18 Donald Paul Sherman

8-28-18  
Date

20 Approved as to form: \_\_\_\_\_  
21 Attorney for Respondent

\_\_\_\_\_  
Date

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

12 Sept 18  
Date