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

In the Matter of:  Case No. 3028
DONALD PAUL SHERMAN  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
SETTLEMENT AGREEMENT

The Board, by and through its President, Shelly Duquette, SE, PE and Donald Paul Sherman (Sherman), do hereby agree and stipulate as follows:

1. The Board and Sherman agree to settle this matter in accordance with ORS 183.417(3).

2. Sherman is an Oregon-registered Professional Engineer, license number 18616PE. The Board issued his certificate of registration on July 10, 1996. Sherman’s registration is currently in active status with an expiration date of June 30, 2020.

3. On May 22, 2018, the Board issued a Notice of Intent to Assess Civil Penalty and Suspend Registration against Sherman and assessed a civil penalty of $5,000 and a 60-day license suspension. The Board charged Sherman with negligence for his engineering plans for Applications 13-173118, 15-157450, 15-232213, 15-195751, and 16-130049. Further, the Board charged Sherman with gross negligence in his engineering plans for Application 13-173118 and 15-232213:

4. On or about June 11, 2018, Sherman requested an informal conference with the Law Enforcement Committee (LEC) of the Board on the matter.

5. On August 9, 2018, the LEC and Sherman met in an informal conference to discuss a settlement. Sherman agreed to settle the matter.

6. The Board finds, but Sherman denies:

6.1 Sherman submitted multiple revisions of plans for Applications 13-173118, 15-157450, 15-195751, and 16-130049 to the Bureau of Development Services, City of Portland (BDS), without first correcting the numerous errors noted in prior BDS structural and site development plan check-sheets, and thereby failed to act in the manner of a reasonably prudent and skillful engineer in his community.

6.2 Sherman actually committed new errors on the majority of those revised plans he submitted to BDS, and thereby again failed to act in the manner of a reasonably prudent and skillful engineer in his community.
6.3 Thus, Sherman demonstrated negligence in his plans for Applications 13-173118, 15-
157450, 15-195751, and 16-130049.

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

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

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

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

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

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

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

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

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

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

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

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

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8. The Board and Sherman agree that Sherman is assessed a civil penalty of $3,300 for
negligence and a 30-day license suspension for gross negligence.

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

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

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

12. Sherman represents that he has carefully read this Final Order Incorporating Settlement
Agreement, understands the intent and content of the document, and signs below of his own
free will, without coercion or duress.

13. Sherman acknowledges that the Final Order Incorporating Settlement Agreement is a final
order, and that by signing this Settlement Agreement, he hereby waives any and all rights to
appeal or judicial review of this Final Order Incorporating Settlement Agreement.

Donald Paul Sherman

8-28-18

Date

Approved as to form:

Attorney for Respondent

Date

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

12 Sept 18

Date