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

In the Matter of:

ZACHARY GOLLIER

Case No. 3096

FINAL ORDER BY DEFAULT

On or about July 17, 2018, 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 Zachary Gollier (Gollier). The Notice assessed a civil penalty in the amount of \$1,000, and it designated the Board file on this matter as the record for purposes of establishing a *prima facie* case upon default. Gollier did not request a hearing. Therefore, upon consideration of the facts and law, the Board enters the following Order:

**FINDINGS OF FACT AND ULTIMATE FACTS**

1. At all relevant times, Gollier was an Oregon Professional Engineer, registration number 82801PE.
2. On or about September 29, 2015, Gollier submitted to the Board a complaint against Nicholas Amedeo Dente (Dente), who is not registered with the Board, alleging that Dente had used Gollier’s seal on plans for the Portland Public Schools (PPS) without Gollier’s knowledge. Specifically, Gollier wrote that he “did not review, stamp, sign or have any control over the design documents...which bore his stamp and signature.”

- 1 3. Based on the information submitted in Gollier's complaint, the Board opened an  
2 investigation against Dente on May 2, 2016 as Case No. 2956.
- 3 4. On August 11, 2016, the Law Enforcement Committee of the Board (LEC) voted to issue a  
4 Notice of Intent to Assess a Civil Penalty (NOI) against Dente in the amount of \$22,000  
5 based in part on the information provided by Gollier in Gollier's complaint.
- 6 5. On October 12, 2017, Dente met in an informal conference with the LEC. Gollier appeared  
7 via telephone. Gollier explained that his statement in the original complaint that he did not  
8 review, stamp, sign, or have any control over the design documents was incorrect. He further  
9 explained that it was he, not Dente, who had applied his seal and signature to the PPS project  
10 documents. Gollier's statement in the informal conference was contrary to Gollier's  
11 statement in the original complaint.
- 12 6. Based on the contrary information provided by Gollier at Dente's informal conference, the  
13 LEC voted to withdraw the NOI against Dente, but without prejudice, for further  
14 investigation of the matter.
- 15 7. On or about February 28, 2018, Gollier explained to the Board: "After review of my initial  
16 complaint [against Dente] I am in agreement with the charge that I did provide false  
17 information to the [Board] within my initial complaint. Specifically, on page 3 of the  
18 complaint, '[Gollier] did not review, stamp, sign, or have any control over the design  
19 documents, of which, bore his stamp and signature.' This statement is not true. As I recollect,  
20 I did review, stamp and sign the design documents and the engineering design was complete  
21 at the time. I accept full responsibility for providing false information to the [Board] and  
22 humbly apologize for my actions."  
23

1 8. On or about May 7, 2018, Gollier again confirmed that the information he had provided in  
2 the complaint against Dente was false.

3 **APPLICABLE LAW**

4 1. OAR 820-020-0025(1) provides that “registrants and applicants must be objective and  
5 truthful and include all relevant and pertinent information in all professional reports,  
6 statements or testimony, applications for registration and enrollment as an intern, and  
7 references on applications for registration and enrollment.”

8 2. Under ORS 672.325(1), the Board may impose a civil penalty of up to \$1,000 per violation.

9 3. Under ORS 672.200(2) and (6), the Board may suspend, revoke, or refuse to issue, restore, or  
10 renew a certificate or permit, or may reprimand an individual enrolled as an intern or holding  
11 a certificate or permit for gross negligence, negligence or incompetence in the practice of  
12 engineering, land surveying or photogrammetric mapping; or for violating a rule of  
13 professional conduct prescribed by the Board.

14 **CONCLUSIONS OF LAW**

15 1. Because Gollier submitted a complaint against Dente to the Board, claiming that Gollier did  
16 not review, stamp, sign or have any control over documents which bore his seal and  
17 signature, when those allegations were false, Gollier was not truthful in statements to the  
18 Board, and thus he violated OAR 820-020-0025(1).

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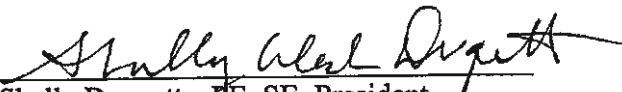
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1 **ORDER**

2 For the reasons above, the Board finds that Gollier violated OAR 820-020-0025(1).

3 IT IS HEREBY ORDERED that pursuant to ORS 672.325 and ORS 183.745, the Board  
4 assesses Gollier a civil penalty of \$1,000.

5 DATED this 12 day of September, 2018.

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7   
8 Shelly Duquette, PE, SE, President  
9 Oregon State Board of Examiners for  
Engineering and Land Surveying

10 **NOTICE**

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

13 **APPEAL RIGHTS**

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