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

In the Matter of: TIMOTHY A. KENT Case No. 3119

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 because Timothy A. Kent (Kent) twice refused to answer the Board’s questions during its investigation of him, instead offering “no further comment,” and asserting that anonymous communications would “remain anonymous” when asked by the Board whether he was the anonymous complainant in Case No. 2926, and whether he authored the anonymous letter to Shawn Kampmann, respondent in Case No. 2926, he twice failed to cooperate with the Board during an investigation of the Board, which is a matter subject to the Board’s jurisdiction. Because Kent twice failed to cooperate with an investigation of the Board, Kent twice violated OAR 820-020-0015(8).

IT IS HEREBY ORDERED that pursuant to ORS 672.325 and ORS 183.745, the Board assesses Kent a civil penalty of $2000, subject to the payment schedule contained in the attached settlement agreement.

DATED this 12 day of March, 2019.

[Signature]
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, PE, SE, and Timothy A. Kent (Kent), do hereby agree and stipulate as follows:

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

2. At all relevant times, Kent was an Oregon Professional Land Surveyor, registration number 02509PLS.

3. On December 4, 2018, the Board issued a Notice of Intent to Assess Civil Penalty and Suspend Professional Registration against Kent assessing a civil penalty of $5000 and suspending Kent’s Professional Land Surveyor license for 180 days, reinstatement subject to the completion of the Basic Level Study in Engineering Ethics, offered through Texas Tech University’s Murdough Center for Engineering Professionalism, costs of the course to be borne by Kent. The Board charged Kent with violating: (1) OAR 820-020-0015(8) twice for twice failing to cooperate with the Board during an investigation of the Board; (2) OAR 820-020-0025(1) twice for twice failing to be objective and truthful and include all relevant and pertinent information in all professional reports, statements, or testimony; and (3) OAR 820-020-0030(2) for failing to disclose all known or potential conflicts of interest to his client (the Board), by promptly informing his client (the Board), in writing, of any circumstance that could influence his judgment or the quality of his services as an expert reviewer in a matter in which Kent had a financial interest related to the expert reviewer services he was providing.

4. On or about December 14, 2018, Kent requested a hearing on the matter

5. On or about January 30, 2019, Kent requested an informal conference with the Law Enforcement Committee (LEC) of the Board on the matter.

6. On February 14, 2019, the LEC and Kent met in an informal conference to discuss a settlement. The LEC and Kent agreed to settle this matter at that time.
7. Because Kent twice refused to answer the Board’s questions during its investigation of him when asked by the Board whether he was the anonymous complainant in Case No. 2926, and whether he authored the anonymous letter to Shawn Kampmann, respondent in Case No. 2926, Kent twice failed to cooperate with the Board during an investigation of the Board, which is a matter subject to the Board’s jurisdiction. Because Kent twice failed to cooperate with an investigation of the Board, Kent twice violated OAR 820-020-0015(8).

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

9. The Board and Kent agree that Kent is assessed a civil penalty in the amount of $2000 for twice violating OAR 820-020-0015(8).

10. Payment of the civil payment shall be made in ten equal monthly payments of $200, with the first monthly payment due no later than April 1, 2019, and subsequent monthly payments due on the first day of the month they are due.

11. 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.


13. If Kent 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, and the unpaid balance will become immediately due.

14. Kent agrees to draft, sign, and submit to the Board a letter verifying that he was not the anonymous complainant in Case No. 2926, and that he did not have any involvement in the complaint. The letter shall be submitted to the Board no later than April 1, 2019. The letter shall be mailed to the “Oregon State Board of Examiners for Engineering and Land Surveying” at 670 Hawthorne Street SE, Suite 220, Salem, Oregon 97301.
15. Kent acknowledges that the Final Order Incorporating Settlement Agreement is a public record and may be disclosed in accordance with Oregon’s public records law.

16. Kent represents that he has carefully read this Settlement Agreement and Consent Order, understands the intent and content of the document, and signs below of his own free will, without coercion or duress. Kent understands this Settlement Agreement and Consent Order is a final order and hereby waives any and all rights to appeal or challenge this Settlement Agreement and Consent Order.

Timothy A. Kent

[Signature]

March 11, 2019
Date

Approved as to form:

[Signature]
Attorney for Respondent

March 14, 2017
Date

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

13 March 19
Date

Page 4 - FINAL ORDER INCORPORATING SETTLEMENT AGREEMENT