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

In the Matter of:  
HERBERT FARBER  
Case No. 3124  
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 Herbert Farber (Farber) submitted property line adjustments and maps of survey with corrections that involved preparing or modifying data for establishing, reestablishing, or replacing boundaries or geodetic control monuments or reference points, or locating, relocating, establishing, reestablishing or retracing property lines or boundaries for any tract of land, road right-of-way or easement, to the Jackson County Surveyor on four occasions, Farber engaged in the practice of land surveying on those four occasions. Because Farber engaged in the practice of land surveying on those four occasions on September 14, 2018, after he permanently retired his professional land surveying registration, Farber engaged in the practice of land surveying without registration and without a valid certificate to practice land surveying. Thus, Farber violated ORS 672.025(1) on four occasions.

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IT IS HEREBY ORDERED that pursuant to ORS 183.417(3) the Board shall, in lieu of
discipline, accept a letter written, signed, and submitted by Farber to the Board, attesting that he
performed the surveying work included in the maps he submitted in September of 2018 before
his registration was permanently retired, and acknowledging Farber understands that any
revisions or corrections of land surveying work he initially performed must now be performed,
stamped, and certified by an Oregon-licensed professional land surveyor, and that any land
surveying work he may perform in the future must be performed under the direct supervision and
control of an Oregon-licensed professional land surveyor who takes responsibility for that work.
Such letter must be received by the Board no later than April 1, 2019.

DATED this 13 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 Herbert Farber (Farber), do hereby agree and stipulate as follows:

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

2. On August 31, 2018, Farber permanently retired his Oregon Professional Land Surveyor license, registration number 02189PLS as discipline.

3. On December 3, 2018, the Board issued a Notice of Intent to Assess Civil Penalty against Farber assessing a civil penalty of $4,000. The Board charged Farber with violating ORS 672.025(1) on four occasions for engaging in the practice of land surveying on September 14, 2018, after he permanently retired his professional land surveying registration.

4. On or about December 15, 2018, Farber requested an informal conference with the Law Enforcement Committee (LEC) of the Board on the matter.

5. On February 14, 2019, the LEC and Farber met in an informal conference to discuss a settlement. The LEC and Farber agreed to settle the matter.

6. Because Farber submitted property line adjustments and maps of survey with corrections that involved the preparing or modifying of data for establishing, reestablishing or replacing boundaries or geodetic control monuments or reference points, or locating, relocating, establishing, reestablishing or retracing property lines or boundaries for any tract of land, road right-of-way or easement, to the Jackson County Surveyor on four occasions, Farber engaged in the practice of land surveying on those four occasions.

7. Because Farber engaged in the practice of land surveying on those four occasions on September 14, 2018, after he permanently retired his professional land surveying registration, Farber engaged in the practice of land surveying without registration and without a valid certificate to practice land surveying. Thus, Farber violated ORS 672.025(1) on four occasions.

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8. The Board and Farber agree that, in lieu of discipline, the Board shall accept a letter written
and signed by Farber, attesting that he performed the surveying work included in the maps he
submitted in September of 2018 before his registration was permanently retired, and
acknowledging Farber understands that any revisions or corrections of land surveying work
he initially performed must now be performed, stamped, and certified by an Oregon-licensed
professional land surveyor, and that any land surveying work he may perform in the future
must be performed under the direct supervision and control of an Oregon-licensed
professional land surveyor who takes responsibility for that work. Such letter must be
received by the Board no later than April 1, 2019.

9. 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, no later than April
1, 2019.

10. If the Board timely receives the letter described herein, it agrees to dismiss the charges
contained in the Notice.

11. If Farber fails to submit the letter on its due date, the terms of the Notice will remain in
effect, and Farber’s case will proceed to hearing.

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

13. Farber understands and acknowledges that the Final Order Incorporating Settlement
Agreement is a public record and may be disclosed in accordance with Oregon’s public
records law. Farber also acknowledges and understands that the Final Order Incorporating
Settlement Agreement is a final order.

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14. Farber 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. Farber hereby waives any and all rights to appeal or challenge this Settlement Agreement and Consent Order.

Herbert Farber

3-8-19
Date

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

12 March 19
Date