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

In the Matter of:  
TOD VANDIE KELSO
Case No. 3054

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 neither Tod Vandie Kelso (Kelso) nor his survey crew provided Gordana Dragosavac (Dragosavac) with written notice of entry, with the information specified in ORS 672.047(4), by mail, in person, or by posting in a conspicuous place before entering Dragosavac’s property for the purpose of performing survey work, Kelso violated ORS 672.047(4).

IT IS HEREBY ORDERED that pursuant to ORS 672.325 and ORS 183.745, the Board assesses Kelso a civil penalty of $500, subject to the payment schedule contained in the attached settlement agreement.

DATED this 14 day of May, 2019.

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 Tod Vandie Kelso (Kelso), do hereby agree and stipulate as follows:

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

2. At all relevant times, Kelso was a professional land surveyor, registration number 50701PLS.

3. On February 19, 2019, the Board issued a Notice of Intent to Assess Civil Penalty (Notice) assessing a civil penalty of $1000. The Board charged Kelso with violating ORS 672.047(4) for failing to provide Gordana Dragosavac (Dragosavac) with written notice of entry, with the information specified in ORS 672.047(4), by mail, in person, or by posting in a conspicuous place before entering Dragosavac’s property for the purpose of performing survey work.

4. On April 11, 2019, the LEC and Kelso met in an informal conference to discuss a settlement. Kelso and the LEC agreed to settle this matter at that time.

5. The Board finds and Kelso admits that by failing to provide Dragosavac with written notice of entry, with the information specified in ORS 672.047(4), by mail, in person, or by posting in a conspicuous place before entering Dragosavac’s property for the purpose of performing survey work, Kelso violated ORS 672.047(4).

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

7. The Board and Kelso agree that Kelso is assessed a civil penalty in the amount of $500 for violating ORS 672.047(4).

8. Payment of the civil payment shall be made in ten equal monthly payments of $50, with the first monthly payment due no later than June 1, 2019, and subsequent monthly payments due on the first day of the month they are due.
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.

10. The full $500 civil penalty shall be paid no later than March 1, 2020.

11. If Kelso 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.

12. Any violation of this order may result in further discipline.

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

14. Kelso 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. Kelso 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.

Tod Vandie Kelso

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

Date 5/14/19