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

In the Matter of: 
CHRIS C. FISCHBORN

Case No. 2927
FINAL ORDER BY DEFAULT

On or about May 7, 2019, the Oregon State Board of Examiners for Engineering and Land Surveying (Board) properly served a Notice of Intent to Assess a Civil Penalty and Suspend Professional Registration (Notice) on Chris C. Fischborn (Fischborn). The Notice assessed a civil penalty in the amount of $1,500 and a 180-day license suspension against Fischborn, and it designated the Board file on this matter as the record for purposes of establishing a prima facie case upon default. Fischborn 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, Fischborn was an Oregon Professional Land Surveyor, registration number 01944PLS.

2. When conducting survey number 43039 of the Cedar Terrace subdivision in Oakridge, Oregon, Fischborn ignored every original monument within the subdivision when reestablishing the corners of lot 23 block 4 of the subdivision. He then signed, sealed and filed the survey with the Lane County Surveyor’s office on or about July 29, 2014.
3. Accepted survey standards entail a search for all pertinent records and completing a search for monuments of record in order to make the best informed decision when locating property boundary locations.

4. Fischborn’s survey lacks any claim or evidence that he or the crew he supervised ever searched for monuments in or near his calculated corner positions, or that they searched in other County records of survey for any new monuments, between 2011 and 2014.

5. Fischborn used monuments on the exterior boundary of the subdivision to mathematically prorate a lot located in the interior of the subdivision, instead of locating and using original monuments located in the vicinity of Lot 23 to establish its location.

6. Fischborn did not search for monuments, nor did he complete a search for all pertinent survey records, but instead surveyed Lot 23 without locating adjacent or other lots. The consequence of this error disrupted the equal balance to all neighboring lots of the subdivision, as all lots were created simultaneously and would have to be given equal weight in relation to the found monuments on the outside of the subdivision in order to re-establish the corner locations for Lot 23.

APPLICABLE LAW

1. OAR 820-020-0015(1) provides that registrants shall at all times recognize that their primary obligation is to protect the safety, health, property (emphasis added), or welfare of the public.

2. OAR 820-020-0015(2), a rule of professional conduct, provides that registrants shall approve and seal only those design documents and surveys which are safe for public health, property (emphasis added) and welfare in conformity with accepted engineering and land surveying standards.
3. ORS 93.310(2) provides that when permanent and visible or ascertained boundaries or
monuments are inconsistent with the measurement, either lines, angles or surfaces, the
boundaries or monuments are paramount.

4. Gross negligence is conduct of such magnitude as to indicate a willful indifference to
prescribed standards and practices, legal duties, probable consequences of an act, or the
rights of others. *Hambleton v. Bd. of Engineering Examiners*, 40 Or App 9, 12, 594 P2d 416
(1979).

5. ORS 672.200(2) provides grounds for suspension or revocation of certificate or permit for
gross negligence, negligence or incompetence in the practice of engineering, land surveying
or photogrammetric mapping.

6. Under ORS 672.325(1), the Board may impose a civil penalty of up to $1,000 per violation
of its laws and rules.

**CONCLUSIONS OF LAW**

1. Because Fischborn did not conduct a fresh and thorough search for all pertinent records or a
thorough search for any new monuments set in the field between 2011 and 2014, did not find
or prorate each lot in order to make the best informed decision when locating property
boundary locations, disrupting the equal balance to all neighboring lots of the subdivision, all
of which are also outside the prescribed standard and practices, he demonstrated a willful
indifference to standard practices, the probable consequences of his acts, and n the rights of
others (the owners of the neighboring lots). He thereby demonstrated gross negligence.

2. Because Fischborn’s signed and sealed survey was errant in its methods, failing to conform
to the requirements of accepted surveying standards, Fischborn violated OAR 820-020-
0015(2).
3. The conduct described above is the basis for discipline under ORS 672.200 and 672.325.

ORDER

For the reasons above, the Board HEREBY assesses civil penalty in the amount of

$1,500 for gross negligence in the practice of land surveying, and violations of the Board’s rule

of professional conduct, OAR 820-020-0015(2). The civil penalty is divided as follows:

- $1000 for 1 commission of gross negligence
- $500 for 1 violation of OAR 820-020-0015(2)

Further, the Board HEREBY suspends Fischborn’s professional land surveyor license,

registration number 01944, for 180 days for committing gross negligence in the practice of

surveying.

DATED this 11th day of July, 2019.

Daren L. Cone, PE, PLS, President
Oregon State Board of Examiners for
Engineering and Land Surveying

NOTICE

Civil penalties, if unpaid, may be recorded and filed with the county clerks as liens against

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.

APPEAL RIGHTS

You are entitled to judicial review of this order in accordance with ORS Chapter 183.482. You

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. The date of service is the day this order is

mailed, not the day you receive it. The phone number for the Oregon Court of Appeals is 503-

986-5555.