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

In the Matter of: GEFFORY N. ADAIR Case No. 3112

FINAL ORDER BY DEFAULT

On or about February 19, 2019, 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 Geffory Adair (Adair). The Notice assessed a civil penalty in the amount of $1,500, and it designated the Board file on this matter as the record for purposes of establishing a *prima facie* case upon default. Adair 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, Adair was registered to practice land surveying in Oregon, license number 58984 PLS.

2. Adair’s survey (SN2015-225) shows he set boundary monuments on or about April 7, 2015, in the area of Capps Road, for the Clackamas County Development Agency in the County of Clackamas, Oregon.

3. On or about June 17, 2015, Adair prepared and submitted a notification of extension and record of survey SN 2015-225 to the Clackamas County Surveyor’s Office.
4. In his extension notification, Adair wrote that the monuments had been in place for nearly 45 days.

5. 45 days after April 7, 2015 was May 22, 2015. Adair filed his notification of extension 71 days after setting boundary monuments.

6. Additionally, on June 4, 2018, in response to the Board informing Adair that allegations of untimely filing of survey had been filed against him, he claimed to the Board that he had provided Clackamas County with extension notification prior to 45 days after he set the first boundary monument.

**APPLICABLE LAW**

1. ORS 209.250(1) provides that a registered professional land surveyor making a survey of lands within this state wherein the surveyor establishes or reestablishes a boundary monument shall, within 45 days thereafter, submit for filing a permanent map of the survey to the county surveyor for review. ORS 209.250(1) also provides that if the surveyor is unable to complete the survey and submit a permanent map within 45 days, the surveyor shall, within 45 days of establishing or reestablishing a boundary monument, provide written notice to the county surveyor containing the reasons for the delay, an estimate of the amount of time reasonably necessary to complete the survey but not exceeding 180 days, and a temporary map showing the position of monuments established or reestablished.

2. OAR 820-030-0060 provides that the registered professional land surveyors making a survey pursuant to ORS 209.250 shall submit for filing a complete record that contains all the elements listed in ORS 209.250(2)(3) in all affected counties within 45 days of establishment or reestablishment of any boundary monument or boundary reference monument. The 45-day limit will commence with the setting of the first monument, not the completion of the project.
3. OAR 820-020-0025(1) provides that registrants and applicants must be objective and truthful and include all relevant and pertinent information in all professional reports, statements or testimony, applications for registration and enrollment as an intern, and references on applications for registration and enrollment.

4. Under 670.325(1), the Board may impose a civil penalty of up to $1,000 per violation of its laws and rules, and ORS 209.250(1)) gives the Board authority to enforce ORS 209.250(1) through (9).

CONCLUSIONS OF LAW

1. Because Adair’s survey (SN2015-225) and extension notification were made on June 17, 2015, approximately 71 days after setting the first boundary monument, Adair violated ORS 209.250(1) and OAR 820-030-0060.

2. Because Adair wrote to both the Clackamas County Surveyor and the Board, claiming that he was filing or had filed his extension notification in SN2015-255 less than 45 days after setting his first boundary monument, when those assertions were untrue, Adair violated OAR 820-020-0025(1).

3. The conduct described above is the basis for discipline under ORS 672.325. Pursuant to 672.325(1), the Agency may impose a maximum civil penalty of $1,000 per violation without amending its notice. The Board proposes to assess a civil penalty of $1,000 for violating of OAR 820-020-0025(1), and a civil penalty of $500 for one violation of ORS 209.250 (1) & OAR 820-030-0060.
ORDER

For the reasons above, the Board HEREBY assesses civil penalty in the amount of $1,500 against Adair.

DATED this 11 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.