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

6 In the Matter of:

7 WILLIAM F. GALLI

Case No. 3131

FINAL ORDER BY DEFAULT

8
9 On or about May 21, 2019, the Oregon State Board of Examiners for Engineering and
10 Land Surveying (Board) properly served a Notice of Intent to Assess a Civil Penalty (Notice) on
11 William F. Galli (Galli). The Notice assessed a civil penalty in the amount of \$1,500, and it
12 designated the Board file on this matter as the record for purposes of establishing a *prima facie*
13 case upon default. Galli did not request a hearing. Therefore, upon consideration of the facts and
14 law, the Board enters the following Order:

15 FINDINGS OF FACT AND ULTIMATE FACTS

- 16 1. At all relevant times, Galli was an Oregon Professional Engineer, license number 12162PE.
17 2. During or about 2006, Christine Hudson (Hudson), manager of Mountain View Estates, hired
18 Galli for a bank stabilization project in Talent, Oregon, along Bear Creek (the Project).
19 3. On or about April 19, 2018, Galli submitted a memo discussing his work for Hudson to Dan
20 O'Connor, attorney for Paul and Kristen Meyers, owners of Mountain View Paving, as part
21 of a legal action opposing Hudson's floodplain application for the Project.

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4. In the memo, Galli disclosed information related to the Project, including:

a. upon completion of the Joint Permit Application, Galli provided several copies to Hudson with the understanding that Hudson desired to work through the Joint Permit Application process and submit the Joint Permit Application herself.

b. no submission of a Floodplain/Floodway Permit Application was ever made because Hudson did not ask or authorize Galli to do so. Further, she ignored his advice on how to proceed with the process, choosing instead to pursue a course of action different from the advice Galli had given her.

c. as issues arose regarding the permits for the Project, Galli provided numerous proposals with various scopes of services to Hudson, but Hudson did not authorize these services.

5. The facts above are fact, data, or information Galli obtained in his professional capacity.

6. Hudson did not consent to Galli revealing this information.

7. Galli was not under subpoena, oath, or court order when he provided the information to attorney O'Connor.

APPLICABLE LAW

1. OAR 820-020-0015(3) provides that registrants shall not reveal facts, data or information obtained in a professional capacity without the prior consent of the client, or employer except as authorized or required by law.

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

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1 **CONCLUSIONS OF LAW**

- 2 1. Because Galli disclosed in his memo to his former client's opposing counsel information he
3 obtained in his professional capacity without his client's consent, on three separate occasions,
4 and without being legally compelled to do so, Galli violated OAR 820-020-0015(3) on three
5 occasions.
- 6 2. The conduct described above is the basis for discipline under ORS 672.325.

7 **ORDER**

8 **For the reasons above, the Board HEREBY assesses a civil penalty in the amount of**
9 **\$1,500 against Galli for three violations of OAR 820-020-0015(3), at \$500 per violation.**

10 DATED this 11 day of July, 2019.

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

15 **NOTICE**

16 Civil penalties, if unpaid, may be recorded and filed with the county clerks as liens against
17 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.

18 **APPEAL RIGHTS**

19 You are entitled to judicial review of this order in accordance with ORS Chapter 183.482. You
20 may request judicial review by filing a petition with the Court of Appeals in Salem, Oregon
21 within 60 days from the date of service of this order.
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