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

In the Matter of: RICHARD E. STEIN
Case No. x0001 CONSENT ORDER

The Oregon State Board of Examiners for Engineering and Land Surveying (Board) is
the state agency responsible for regulating the practices of engineering, land surveying,
photogrammetric mapping in the state of Oregon pursuant to ORS 672.002 to 672.325. On June
28, 2019, the Board issued a Notice of Intent to Assess a Civil Penalty against Richard E. Stein
(Stein) for violations of ORS 209.250(2), 209.250(3)(f), and OAR 820-020-0055. The parties
wish to settle this matter informally and no hearing was requested. Stein understands that he has
the right to a hearing under the Administrative Procedures Act (ORS Chapter 183), and fully and
finally waives the right to a contested case hearing, any appeal therefrom, and any judicial
review by the signing and entry of this Consent Order in the Board’s records. The parties agree
to resolve this matter as follows:

1.

The Board finds and Stein agrees that:

1.1 Stein failed to meet the standard of care of a reasonably prudent, careful, skillful land
surveyor in Jackson County, Oregon, on the Palmer map of survey, thereby engaging in the
negligent practice of land surveying in violation of OAR 820-020-0055;

1.2 Stein wrote that “pins were found on the southerly line but not held because the
controlling deeds did not call for any monumentation on that line,” in the narrative for the
Palmer Map, but did not cite any survey record. Because the description he did provide does not
explain why Stein did not hold those monuments as controlling, despite locating them, solely
because controlling deeds did not call for monumentation on that particular line, Stein violated
ORS 209.250(2); and

1.3 Stein wrote “found SW Corner DLC 90” to describe a found monument, which was
not a detailed description of the monument found, thereby violating ORS 209.250(3)(f).

2.

The parties agree that, pursuant to ORS 672.325 and ORS 183.745 and for the violations
above, the Board assesses Stein a civil penalty of $1,000, to paid by Stein in ten, equal, monthly
payments of $100, with the first monthly payment due no later than October 1, 2019, and
subsequent monthly payments due for the nine consecutive months following October, 2019, due
on the first day of the month they are due.

3.

Stein understands that this Consent Order is a public record.

4.

Stein understands that any violation of the terms of this Consent Order may also result in
further enforcement action.

5.

Stein has read and fully understands the terms of this Consent Order, freely and
voluntarily consents to the entry of this order, without any coercion, force or duress, and
expressly waives all rights to hearing, appeal or judicial review in this matter.

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6.

Stein understands that, upon signature of the Board President this Consent Order is a final order.

IT IS SO AGREED THIS 29th day of August, 2019.

Richard E. Stein, Respondent

IT IS SO ORDERED

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

DATE: 6/10/19