

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

In the Matter of:

DANIEL A. SPORER

Case No. 3057

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 Sporer set a monument on November 30, 2016 for SN13285, but did not submit the survey to the Yamhill County Surveyor until March 30, 2017, and because Sporer set a monument on September 30, 2016 for SN33038, but did not submit the survey to the Washington County Surveyor until January 12, 2017, Sporer failed to file a survey within 45 days of establishing a boundary monument and thus violated ORS 209.250(1) on two occasions. Additionally, because Sporer failed to respond to the allegations when the Board contacted him on November 17, 2017 and December 1, 2017, Sporer twice failed to cooperate with the Board on a matter subject to its jurisdiction. Therefore, Sporer violated OAR 820-020-0015(8) on two occasions.

IT IS HEREBY ORDERED that pursuant to ORS 672.325 and ORS 183.745, the Board assesses Sporer a civil penalty of \$2,000, subject to the payment schedule contained in the attached settlement agreement.

DATED this 12 day of November, 2019.


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

SETTLEMENT AGREEMENT

2 The Board, by and through its President, Daren L. Cone, PE, PLS, and Daniel A. Sporer
3 (Sporer), do hereby agree and stipulate as follows:

1. The Board and Sporer agree to settle this matter in accordance with ORS 183.417(3).
 2. Sporer became an Oregon Professional Land Surveyor, registration number 02266PLS, on January 15, 1987. On June 30, 2016, Sporer’s license became delinquent due to his failure to renew, and his license remained delinquent until June, 2017.
 3. On July 19, 2019, the Board issued a Notice of Intent to Assess Civil Penalty (Notice) assessing a civil penalty of \$11,750. The Board charged Sporer with the following:
 - 3.1 ORS 672.025(1) on six occasions for Sporer performing surveys SN13285, MCSR 38621, Plat 2017-020, SN2017-032, Plat 4485, and SN33038 between June 2016 and June 2017, while his license was delinquent.
 - 3.2 ORS 672.045(2) and (4) on six occasions for Sporer sealing surveys SN13285, MCSR 38621, Plat 2017-020, SN2017-032, Plat 4485, and SN33038 with a fraudulent expiration date of June 30, 2018, when his license was in fact delinquent and was not then valid.
 - 3.3 ORS 209.250(1) on two occasions for Sporer setting a monument on November 30, 2016 for SN13285, but not submitting the survey to the Yamhill County Surveyor until March 30, 2017¹, and for setting a monument on September 30, 2016 for SN33038, but not submitting the survey to the Washington County Surveyor until January 12, 2017².
 - 3.4 OAR 820-020-0015(8) on two occasions for Sporer failing to respond to the allegations when the Board contacted him on November 17, 2017 and December 1, 2017.
 - 3.5 OAR 820-025-0005(2) on two occasions for Sporer, on surveys SN13285 and MCSR38621, including the fraudulent expiration date of June 30, 2018 after the word “Renewable,” rather than the word “Expires” or “Renews.”

¹ And did not give the Yamhill County Surveyor notification of the late filing, an estimated date of completion, or a temporary map.

² And did not give the Washington County Surveyor notification of the late filing, an estimated date of completion, or a temporary map.

- 1 3.6 OAR 820-025-0005(2) for Sporer not signing his seal on SN13285.
- 2 4. On October 10, 2019, the LEC and Sporer met in an informal conference to discuss a
- 3 settlement. Sporer and the LEC agreed to settle this matter at that time.
- 4 5. The Board finds and Sporer admits the following:
- 5 5.1 Because Sporer set a monument on November 30, 2016 for SN13285, but did not submit
- 6 the survey to the Yamhill County Surveyor until March 30, 2017, and because Sporer set
- 7 a monument on September 30, 2016 for SN33038, but did not submit the survey to the
- 8 Washington County Surveyor until January 12, 2017, Sporer failed to file a survey within
- 9 45 days of establishing a boundary monument and thus violated ORS 209.250(1) on two
- 10 occasions.
- 11 5.2 Because Sporer failed to respond to the allegations when OSBEELS contacted him on
- 12 November 17, 2017 and December 1, 2017, Sporer twice failed to cooperate with the
- 13 Board on a matter subject to its jurisdiction. Therefore, Sporer violated OAR 820-020-
- 14 0015(8) on two occasions.
- 15 6. The Final Order Incorporating Settlement Agreement sets forth the entire agreement of the
- 16 parties. Sporer agrees that the determination of any violation of this settlement agreement is
- 17 entirely within the Board's discretion.
- 18 7. The Board and Sporer agree that Sporer is assessed a civil penalty in the amount of \$2,000
- 19 for violating ORS 209.250(1) on two occasions, and for violating OAR 820-020-0015(8) on
- 20 two occasions.
- 21 8. Payment of the civil payment shall be made in eight equal, consecutive, monthly payments of
- 22 \$250, with the first monthly payment due no later than December 1, 2019, and each
- 23 subsequent, consecutive monthly payment due no later than the first day of the month they
- 24 are due.
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- 26

- 1 9. Payment shall be made to the "Oregon State Board of Examiners for Engineering and Land
2 Surveying" and delivered or mailed to 670 Hawthorne Street SE, Suite 220, Salem, Oregon
3 97301.
- 4 10. The full \$2,000 civil penalty shall be paid no later than July 1, 2020.
- 5 11. If Sporer fails to pay any part of the civil penalty due by its due date, the Board will assess a
6 9% interest rate on any unpaid balance, and the unpaid balance will become immediately
7 due.
- 8 12. Any violation of this order may result in further discipline.
- 9 13. Sporer acknowledges that the Final Order Incorporating Settlement Agreement is a public
10 record and may be disclosed in accordance with Oregon's public records law.
- 11 14. Sporer represents that he has carefully read this Settlement Agreement and Consent Order,
12 understands the intent and content of the document, and signs below of his own free will,
13 without coercion or duress. Sporer understands this Settlement Agreement and Consent
14 Order is a final order and hereby waives any and all rights to appeal or challenge this
15 Settlement Agreement and Consent Order.

16
17 Daniel A. Sporer
18 Daniel A. Sporer

10-25-2019
Date

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20 Daren L. Cone
21 Daren L. Cone, PE, PLS, President
Oregon State Board of Examiners
for Engineering and Land Surveying
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11/12/2019
Date