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

6 In the Matter of:

7 MARSHALL C. PFEIFFER

Case No. 3086

FINAL ORDER BY DEFAULT

8
9 On or about August 29, 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 Marshall C. Pfeiffer (Pfeiffer). The Notice assessed a civil penalty in the amount of \$1,000, and
12 it designated the Board file on this matter as the record for purposes of establishing a *prima facie*
13 case upon default. Pfeiffer did not request a hearing. Therefore, upon consideration of the facts
14 and law, the Board enters the following Order:

15 **FINDINGS OF FACT AND ULTIMATE FACTS**

- 16 1. At no relevant time was Pfeiffer registered or licensed in any capacity under the Board's
17 authority to engage in the professional practice of engineering in Oregon.
- 18 2. During or about May 2017, Pfeiffer created and submitted an "Equipment Anchorage &
19 Footing Design" for a "Budzar Chiller Frame," to Budzar Industries, Inc., for an Oregon
20 project (the project was for Budzar to provide a chiller machinery to Suterra, LLC, an
21 Oregon-based agribusiness and consumer products company).
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- 1 3. A chiller frame is part of a chiller, which is refrigeration machinery used in either
2 commercial or industrial facilities to cool or dehumidify products, processes, equipment, air,
3 etc.
- 4 4. Pfeiffer was listed as the Project Lead, the project location was listed as “Oregon,” and the
5 project’s scope of work included “the seismic design loading of a piece of water side
6 mechanical equipment, anchorage design and footing.” Pfeiffer’s submittal included
7 structural drawings and calculations, which in turn included seismic design calculations,
8 stress design checks, load calculations, design snow load calculations.
- 9 5. Seismic design calculations, stress design checks, load calculations, and design snow load
10 calculations all require the application of special knowledge of the mathematical, physical
11 and engineering sciences.

12 APPLICABLE LAW

- 13 1. ORS 672.005(1)(b) defines the practice of engineering as including, in pertinent part,
14 applying special knowledge of the mathematical, physical and engineering sciences to such
15 professional services or creative work as consultation and design, in connection with any
16 public or private machines, equipment, processes, or projects.
- 17 2. ORS 672.020(1) prohibits practicing or offering to practice engineering in this state unless
18 the person is registered and has a valid certificate to practice engineering issued under ORS
19 672.002 to 672.325.
- 20 3. Under 672.325(1), the Board may impose a civil penalty of up to \$1,000 per violation of its
21 laws and rules without amending its notice.

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CONCLUSIONS OF LAW

1. Because Pfeiffer provided his design and calculations to a client, Budzar, he provided professional services and creative work.
2. Because:
 - a. Pfeiffer's professional services and creative work included performing seismic design calculations, stress design checks, load calculations, and design snow load calculations, all of which require the application of special knowledge of the mathematical, physical, and engineering sciences; and
 - b. Pfeiffer applied that special knowledge to consultation on and design of a chiller frame, and a chiller frame is equipment for machinery (the chiller) in the commercial or industrial chiller process;Pfeiffer therefore engaged in the practice of engineering.
3. Because Pfeiffer engaged in the practice of engineering without being registered or having a valid certificate to practice engineering in Oregon, Pfeiffer violated ORS 672.020(1), subjecting himself to the imposition of civil penalties.

ORDER

For the reasons above, the Board HEREBY **assesses a \$1,000 civil penalty against Pfeiffer for violating ORS 672.020(1).**

DATED this 12 day of November, 2019.



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

