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

In the Matter of:

TERRY B. ARMENTROUT

Case No. 3015

FINAL ORDER BY DEFAULT

On or about October 31, 2019, the Oregon State Board of Examiners for Engineering and Land Surveying (Board) properly served a Notice of Intent to Assess a Civil Penalty on Terry B. Armentrout (Armentrout). The Notice assessed a civil penalty in the amount of \$1,000, and it designated the Board file on this matter as the record for purposes of establishing a *prima facie* case upon default. Armentrout did not request a hearing. Therefore, upon consideration of the facts and law, the Board enters the following Order:

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**FINDINGS OF FACT AND ULTIMATE FACTS**

1. Armentrout was a licensed professional engineer (PE) in Oregon, 10851PE, issued on October 10, 1980, expired on December 31, 2016, but is not now, and never has been, registered to engage in the professional practice of structural engineering (SE) in Oregon.
2. On or about May, 2014, Armentrout became the engineer of record for the Dufur Fire Station Facility, a 7,000 square foot building at 260 NE First St, Dufur, Oregon.
3. Armentrout did stamp and approve plans for this project, including the second floor primary structural frame and foundation, which provide part of the overall stability for the structure.

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**APPLICABLE LAW**

1. ORS 672.005(1)(a) and (b) define the practice of engineering, in part, as applying special knowledge of the mathematical, physical, and engineering sciences to such

1 professional services or creative work as consultation, investigation, testimony,  
2 evaluation, planning, design, and services during construction, manufacture or  
3 fabrication for the purpose of ensuring compliance with specifications and design, in  
4 connection with any public or private utilities, structures, buildings, machines,  
5 equipment, processes, works or projects.

- 6 2. ORS 672.020 (2) Each registered professional engineer shall, upon registration,  
7 obtain a seal of the design authorized by the State Board of Examiners for  
8 Engineering and Land Surveying. Every final document including drawings,  
9 specifications, designs, reports, narratives, maps and plans issued by a registrant shall  
10 be stamped with the seal and signed by the registrant. The signature and stamp of a  
11 registrant constitute a certification that the document was prepared by the registrant or  
12 under the supervision and control of the registrant.
- 13 3. ORS 672.045(1) Prohibits engaging in the practice of engineering, land surveying or  
14 photogrammetric mapping without having a valid certificate or permit to so practice  
15 issued in accordance with ORS 672.002 to 672.325.
- 16 4. ORS 672.107(3) states “An engineer may not provide engineering services for  
17 significant structures unless the engineer possesses a valid professional structural  
18 engineer certificate of registration issued by the board”.
- 19 5. ORS 672.107(1)(a)(B) defines significant structures as including “Essential facilities,  
20 as defined in ORS 455.447, that have a ground area of more than 4,000 square feet or  
21 are more than 20 feet in height”.
- 22 6. ORS 455.447(1)(B) defines essential facility as including, among other examples,  
23 “Fire and police stations”.

- 1           7. OAR 820-040-0020 further details “Structural engineering services for significant  
2           structures, as referred to in ORS 672.002 to 672.325, shall mean structural  
3           engineering for the primary structural frame or load resisting system and its elements  
4           or parts. The primary frame shall be that portion of the structure, which provides the  
5           overall stability of the structure. Elements, components, or parts of the structure,  
6           which are not part of the primary frame do not require the services of a professional  
7           structural engineer”.
- 8           8. Under ORS 672.325(1), the Board may impose a civil penalty of up to \$1,000 per  
9           violation.
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- 11           9. ORS 672.200(1) provides that the State Board of Examiners for Engineering and  
12           Land Surveying may suspend, revoke or refuse to issue, restore or renew a certificate,  
13           permit or may reprimand an individual enrolled as an intern or holding a certificate or  
14           permit for violating any provision of ORS 672.045.
- 15           10. OAR 820-025-0015, (1) All final documents identified in ORS 672.020(2),  
16           672.025(2), and 672.028(2) must bear the seal and signature of the registrant under  
17           whose supervision and control they were prepared. (2) Documents that are not final  
18           documents must be marked as "preliminary", "not for construction", "review copy",  
19           "draft copy, subject to change", or with some similar wording to indicate that the  
20           documents are not intended to represent the final work product of the registrant.  
21           Documents submitted to a client, customer, public entity, or any other person, are  
22           final documents and must bear the seal and signature of the registrant under whose  
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1 supervision and control they were prepared, unless such document is clearly marked  
2 as not a final document.

### 3 CONCLUSIONS OF LAW


- 4 1. Because the Dufur Fire Station Facility is a Fire Station, it is an “essential facility”  
5 under ORS 455.447(1)(B). Because the Dufur Fire Station Facility is an essential  
6 facility of over 4,000 square feet (7,000 square feet), it is a “significant structure”  
7 under ORS 672.107(1)(a)(B).
- 8 2. Because Armentrout stamped and signed engineering plans for the Dufur Fire Station  
9 Facility, he acknowledged having performed the engineering for those plans, pursuant  
10 to OAR 820-025-0015(1).
- 11 3. Because Armentrout created, stamped and signed plans for a client, which included  
12 applying special knowledge of the mathematical, physical and engineering sciences to  
13 design the foundation system and second floor primary structural frame, he was  
14 engaged in the professional practice of engineering.
- 15 4. Because the second story frame and foundation provided overall stability for the fire  
16 station structure, the second story frame and foundation were part of the structure’s  
17 primary structural frame.
- 18 5. Because Armentrout’s plans included the design of the primary structural frame of a  
19 significant structure, he engaged in the practice of structural engineering, under OAR  
20 820-040-0020(1).
- 21 6. Because Armentrout engaged in the structural engineering of a significant structure  
22 for an Oregon client, on an Oregon-based construction project, but without an Oregon  
23 structural engineer registration, he violated ORS 672.107(3) and ORS 672.045(1),

1 and he thereby subjected himself to license discipline under ORS 672.200(1) and civil  
2 penalties under ORS 672.325.

3 **ORDER**

4 For the reasons above, the Board HEREBY assesses a \$1,000 civil penalty against Armentrout  
5 for violating ORS 672.045(1) and 672.107(3).

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9 DATED this 14 day of January, 2020.

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

13 **NOTICE**

14 Civil penalties, if unpaid, may be recorded and filed with the county clerks as liens against  
15 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.

16 **APPEAL RIGHTS**

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