

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

In the Matter of:  
BRAD L. HUPY


Case No. X0021

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 Brad L. Hupy (Hupy) violated ORS 672.020 (1), ORS 672.045(1), (2) & (4), and the final order in OSBEELS Case no. 2989.

IT IS HEREBY ORDERED that pursuant to ORS 672.325, 672.170, ORS 183.745, and the final order in OSBEELS Case No. 2989, the Board assesses a civil penalty of \$2,000 against Hupy and, in addition, Hupy must apply for, demonstrate he qualifies for, and be granted new registration as a professional engineer in the state of Oregon before he may practice engineering in this state.

DATED this 31 day of March, 2020.

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



- 1           4.4 Hupy was prohibited from committing any new violation of the Board’s laws or  
2           rules, from April 12, 2018 through April 12, 2020.
- 3 5. Hupy did not renew or apply to renew his registration by June 30, 2018. His registration is no  
4 longer eligible for renewal pursuant to ORS 672.170(4) and the final order from Board case,  
5 number 2989.
- 6 6. On or about January 24, 2019, Hupy performed a Geotechnical Engineering Evaluation of the  
7 Hawthorne Meadows Subdivision in Portland, Oregon, for D.R. Horton, Inc. The purpose of  
8 Hupy’s services was, in pertinent part, to “provide recommendations for design and  
9 construction of homes,” including provision of a written Geotechnical Evaluation report  
10 summarizing Hupy’s geotechnical engineering analysis, conclusions, and recommendations  
11 and assuming the role of geotechnical engineer of record for the homes. Hupy’s specific  
12 recommendations and opinions included:  
13
- 14           6.1 Whether the proposed structures could be supported on continuous or isolated  
15           column footings founded on existing structural fill, new structural fill, or  
16           undisturbed native silt;  
17
- 18           6.2 Whether lateral loads of the proposed structures founded on undisturbed native  
19           soils or on structural fill could be resisted by passive earth pressure on the sides  
20           of footings or by friction on the base of footings; and  
21
- 22           6.3 Seismic site characterization and design recommendations based on USG  
23           mapping and analysis as implemented in the International Building Code.
- 24 7. In his signature on the Geotechnical Evaluation, Hupy included the designations “PE,” “GE,”  
25 and “Principal Engineer.”  
26

- 1 8. By engaging in the actions detailed above, Hupy engaged in the practice of engineering in  
2 Oregon without a license, falsely represented he was authorized to practice engineering, and  
3 used an expired seal on his engineering work. He thereby violated ORS 672.020(1),  
4 672.045(1), (2) and (4), and a final order of the Board.
- 5 9. On October 1, 2019, the Board issued a Notice of Intent to assess a civil penalty of \$2,000  
6 against Hupy and to refuse to renew his professional registration. The Board charged Hupy  
7 with violating ORS 672.020(1), ORS 672.045(1), (2) and (4), OAR 820-010-0520(1), and  
8 OAR 820-020-0025(1).  
9
- 10 10. On November 4, 2019, Hupy requested an informal conference with the Law Enforcement  
11 Committee (LEC) of the Board on the matter.
- 12 11. On February 13, 2020, the LEC and Hupy had an informal conference to discuss the  
13 settlement. Hupy and the Board agreed to settle the matter, therefore no hearing is required.
- 14 12. The Board finds and Hupy admits that Hupy committed the acts and violations as alleged in  
15 the Notice.  
16
- 17 13. The Board and Hupy agree that the Board assesses a civil penalty against Hupy of \$2,000 for  
18 violations of ORS 672.020(1), ORS 672.045(1), (2) and (4), and for violating final order of  
19 the Board.
- 20 14. This penalty is due and payable by Hupy no later than April 1, 2020. Payment shall be  
21 made to the "Oregon State Board of Examiners for Engineering and Land Surveying" and  
22 delivered or mailed to 670 Hawthorne Street SE, Suite 220, Salem, Oregon 97301.  
23
- 24 15. Hupy acknowledges and understands the following:  
25 15.1 He is not licensed to practice engineering in Oregon, and has not been licensed to  
26 practice engineering in Oregon since June 30, 2013.

1 15.2 Because his professional engineer's license was delinquent for more than five years,  
2 pursuant to ORS 672.170(4), as well as term number 12 in the settlement agreement Hupy  
3 signed in Board case number 2989, Hupy is no longer eligible to renew his expired license.

4 15.3 Hupy may, however, qualify to apply for a new license as an Oregon professional  
5 engineer by completing the following:

6 15.3.1 Re-take and pass a Fundamentals of Engineering examination offered by the  
7 National Council of Examiners for Engineering and Surveying (NCEES). ORS  
8 672.098(2).<sup>1</sup>

9 15.3.2 Re-take and pass a professional engineer's examination approved by the Board.  
10 ORS 672.098(3). The professional practices examinations for new examinees, approved  
11 by the Board as of the date of this order, are: NCEES - Agricultural (Agricultural and  
12 Biological Engineering); Building Systems (Architectural Engineering); Chemical; Civil;  
13 Control Systems; Electrical (Electrical and Computer Engineering); Environmental; Fire  
Protection; Industrial and Systems; Mechanical; Metallurgical (Metallurgical and  
Materials Engineering); Naval Architecture and Marine; California -- Geotechnical;  
Oregon – Forest.

14 15.3.3 Provide evidence satisfactory to the Board of having obtained four years of lawful  
15 engineering work experience. ORS 672.098(4). To be lawful, the work experience must  
16 have been gained while Hupy held a current, valid PE license in the state where the work  
17 took place, or have performed the qualifying work under the supervision and control of a  
18 professional engineer who was properly licensed in the state where the work took place.  
19 The unlicensed work for which Hupy was sanctioned in this and in his prior case before  
the Board cannot be used to qualify him for licensure. Any engineering work experience  
Hupy intends to use to qualify for licensure must also be verified by the appropriate type  
and number of references. OAR 820-010-1000(4)(f).

20 15.3.4 Provide evidence satisfactory to the Board of having obtained qualifying  
21 education, or a qualifying combination of education and additional engineering work  
experience. ORS 672.098(1), 672.146, and OAR 820-010-1020.

22 15.3.5 Fully complete and submit an application for licensure using the Board's required  
23 forms. OAR 820-010-1000.

24  
25 <sup>1</sup> Hupy may be eligible for a waiver of the Fundamentals of Engineering examination under ORS 672.103 if he held  
26 a registration or license to practice professional engineering in another state, a territory or possession of the United  
States, the District of Columbia or a foreign country or at least 25 years prior to the date he submits a new  
application for registration to the Board.

1           15.3.6 Pay all required fees and penalties.

2           15.4 Hupy may not practice engineering in the state of Oregon unless and until: he qualifies  
3           for a new professional engineer's license; he properly applies for that license; the Board  
4           approves his license application; and, Hupy receives formal notification of being granted a  
5           new license as a professional engineer and also received his pocket card and wall certificate.

6           15.5 If Hupy commits any new violations of OSBEELS laws or rules, after the date of his  
7           informal conference in this case, Hupy understands that the Board may formally deny any  
8           new license application he submits, and may impose additional discipline upon him.  
9

10       16. The Final Order Incorporating Settlement Agreement sets forth the entire agreement of the  
11       parties. Hupy agrees that the determination of any violation of this settlement agreement is  
12       entirely within the Board's discretion.

13       17. Hupy acknowledges that the Final Order Incorporating Settlement Agreement is a final order  
14       of the Board, and is a public record that may be disclosed in accordance with Oregon's  
15       public records law.  
16

17       18. Hupy represents that he has carefully read this Settlement Agreement and Consent Order,  
18       understands the intent and content of the document, and signs below of his own free will,  
19       without coercion or duress.

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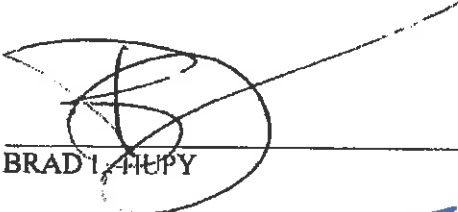
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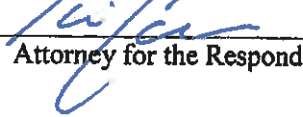
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1 19. Hupy hereby waives any and all rights to appeal, judicial review, or otherwise challenge this  
2 Final Order incorporating Settlement Agreement.

3  
4   
5  
6 BRAD L. HUPY

MARCH 6, 2020  
Date

7  
8 Approved as to Form:   
9 Attorney for the Respondent

3/6/20  
Date

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11  
12  
13   
14 Daren Cone, PE, PLS, President  
15 Oregon State Board of Examiners  
for Engineering and Land Surveying

3/31/2020  
Date