

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

3 In the Matter of:
4 John Heaton

Case No. x0071
FINAL ORDER BY DEFAULT

5
6 On or about June 19, 2020, the Oregon State Board of Examiners for Engineering and
7 Land Surveying (Board) properly served a Notice of Intent to Revoke Professional Registration
8 (Notice) on John Heaton (Heaton). The Notice proposed to revoke Heaton’s professional land
9 surveying registration for failing to pay the civil penalty prescribed by the Final Order by Default
10 in Case No. x0003. The Notice designated the Board file on this matter as the record for
11 purposes of establishing a *prima facie* case upon default. Heaton did not request a hearing.
12 Therefore, upon consideration of the facts and law, the Board enters the following Order:

13 **FINDINGS OF FACT AND ULTIMATE FACTS**

- 14 1. Heaton became an Oregon Professional Land Surveyor, registration number 72841PLS, on
15 January 14, 2009. On June 30, 2017, Heaton’s license became delinquent due to his failure to
16 renew, and his license has not since been renewed.
- 17 2. On or about November 11, 2019, the Board signed a Final Order by Default in Case No.
18 x0003 against Heaton in the amount of \$52,000 for violating ORS 672.025(1), ORS
19 672.045(2) & (4), and OAR 820-020-0015(8)—practicing the profession of land surveying
20 without a valid license and using a falsified seal—on approximately 50 occasions.
- 21 3. On November 13, 2019, the Board mailed Heaton a copy of the Final Order by Default for
22 Case No. x0003.

1 4. To date, Heaton has not paid the civil penalty prescribed by the Final Order by Default for
2 Case No. x0003.

3 **APPLICABLE LAW**

4 1. ORS 672.200(5) provides, in pertinent part, that the Board may revoke a certificate or permit
5 for failing to pay a civil penalty in the manner prescribed by a final order of the Board.

6 **CONCLUSIONS OF LAW**


7 1. Because the Final Order by Default in Case No. x0003 is a final order of the Board, and
8 because Heaton failed to pay the civil penalty prescribed by the Final Order by Default in
9 Case No. x0003, Heaton subjected himself to discipline, including revocation, under ORS
10 672.200(5).

11 2. The Board proposes to revoke Heaton's professional land surveying license for failing to pay
12 the civil penalty prescribed by the Final Order by Default in Case No. x0003.

13 **ORDER**

14 For the reasons above, the Board HEREBY revokes the professional land surveying
15 registration of John Heaton for failing to pay the civil penalty prescribed by the Final Order by
16 Default in Case No. x0003.

17 DATED this 5th day of September, 2020.

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20 _____
21 Daren L. Cone, PE, PLS, President
22 Oregon State Board of Examiners for
23 Engineering and Land Surveying

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NOTICE

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

APPEAL RIGHTS

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