

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

In the Matter of:
MARVIN S. KRUSH

Case No. x0076
FINAL ORDER BY DEFAULT

On or about November 13, 2020, the Oregon State Board of Examiners for Engineering and Land Surveying (Board) properly served a Notice of Intent to Assess a Civil Penalty (Notice) on Marvin S. Krush (Krush). The Notice assessed a civil penalty in the amount of \$1,000. It designated the Board file on this matter as the record for purposes of establishing a *prima facie* case upon default. Krush did not request a hearing. Therefore, upon consideration of the facts and law, the Board enters the following Order:

FINDINGS OF FACT AND ULTIMATE FACTS

1. At all relevant times, Krush was an Oregon Professional Land Surveyor, registration number 01643PLS.
2. On or before September 21, 2018, Krush set three monuments for a project located in Lane County, Oregon. These monuments bear Krush's name and PLS license number.
3. Krush did not file a survey with the Lane County Surveyor after setting the monuments.

APPLICABLE LAW

1. ORS 209.250(1) provides, in pertinent part, that a registered professional land surveyor making a survey of lands within this state wherein the surveyor establishes or reestablishes a boundary monument shall, within 45 days thereafter, submit for filing a permanent map of the survey to the county surveyor for review. If the surveyor is unable to complete the survey and submit a permanent map within 45 days, the surveyor shall, within 45 days of

1 establishing or reestablishing a boundary monument, provide written notice to the county
2 surveyor containing the reasons for the delay, an estimate of the amount of time reasonably
3 necessary to complete the survey but not exceeding 180 days, and a temporary map showing
4 the position of monuments established or reestablished.

5 2. Under ORS 209.250(11), a registered professional land surveyor failing to comply with the
6 provisions of subsections (1) to (9) of ORS 209.250, ORS 92.050 to 92.080 or a county
7 ordinance establishing standards for surveys or plats is subject to disciplinary action by the
8 State Board of Examiners for Engineering and Land Surveying.

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10 3. Under ORS 672.325(1), the Board may impose a civil penalty of up to \$1,000 per violation
11 of its laws and rules. Under ORS 672.200, the Board may impose discipline against a
12 professional registration for certain violations.

13 **CONCLUSIONS OF LAW**

- 14 1. Because Krush set three monuments while performing a survey in Lane County, Oregon, he
15 was required to file the survey within 45 days of setting these monuments. Because, to date,
16 Krush has not filed that survey, he has violated ORS 209.250(1).
17
18 2. The conduct described above is the basis for imposition of a civil penalty under ORS 672.325
19 and ORS 209.250(11).

20 **ORDER**

21 **For the reasons above, the Board HEREBY assesses a civil penalty in the amount of**
22 **\$1,000 against Krush for violating ORS 209.250(1).**

23 DATED this 9 day of March, 2021.

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26 Daren Cone, PE/PLS, President
Oregon State and of Examiners for
Engineering and Land Surveying

NOTICE

1 Civil penalties, if unpaid, may be recorded and filed with the county clerks as liens against
2 property 10 days after the expiration of the statutory appeals period (70 days after issuance of
3 this order). Make checks payable to the Oregon State Board of Examiners for Engineering and
Land Surveying.

APPEAL RIGHTS

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