

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

3 In the Matter of:
4 JOSE L. PARADA

Case No. X0084
FINAL ORDER BY DEFAULT

5
6 On or about April 22, 2021, the Oregon State Board of Examiners for Engineering and
7 Land Surveying (Board) properly served a Notice of Intent to Assess a Civil Penalty (Notice) on
8 Jose L. Parada (Parada). The Notice assessed a civil penalty in the amount of \$250, and it
9 designated the Board file on this matter as the record for purposes of establishing a *prima facie*
10 case upon default. Parada did not request a hearing. Therefore, upon consideration of the facts
11 and law, the Board enters the following Order:

12 **FINDINGS OF FACT AND ULTIMATE FACTS**

- 13 1. Parada applied for licensure as a professional engineer (PE) in Oregon on February 14, 2019.
14 The Board issued Parada PE license number 94788PE on May 14, 2019, with an expiration
15 date of December 31, 2020.
- 16 2. On March 5, 2019, the Alabama Board of Licensure for Professional Engineers and Land
17 Surveyors (Alabama Board) issued a final order against Parada, suspending his Alabama
18 engineering license for six months, with a stayed suspension. The final order was based on a
19 consent order signed by Parada on February 15, 2019.
- 20 3. Parada applied to renew his Oregon PE license on December 28, 2020 and reported the
21 Alabama disciplinary action at that time. Parada had not previously disclosed the Alabama
22 Board's final order. 665 days elapsed between the Alabama Board's final order being issued

1 and Parada reporting the discipline to the Board. Parada’s renewal application is currently
2 pending.

3 APPLICABLE LAW

- 4 1. *Former* OAR 820-020-0045(4) (2006), a rule of professional conduct, provided that an
5 applicant or registrant must give written notification to the Board of any disciplinary action
6 or sanction related to the practice of engineering, land surveying, or photogrammetric
7 mapping imposed by any licensing agency immediately upon receiving notice of the action
8 or sanction.¹
- 9 2. Under ORS 672.325(1), the Board may impose a civil penalty of up to \$1,000 per violation
10 without amending its Notice.

11 CONCLUSIONS OF LAW

- 12 1. Because the Alabama Final Order suspended Parada’s Alabama engineering license, and
13 because Parada was an applicant at the time the Alabama Final Order was issued, Parada was
14 required to report it to the Board immediately. On May 19, 2019, Parada became a
15 registrant, and had an independent duty to report the Alabama Final Order to the Board
- 16 2. Because the Alabama final order was entered on March 15, 2019, *former* OAR 820-020-
17 0045(4) (2006) applied.
- 18 3. Because Parada did not report his Alabama PE license discipline to the Board immediately,
19 he violated *former* OAR 820-020-0045(4) (2006).

21 ¹ Effective May 9, 2019, OAR 820-020-0045(4) currently reads: “An applicant or registrant must give written
22 notification to the Board of any disciplinary action or sanction related to the practice of engineering, land surveying,
or photogrammetric mapping imposed by any licensing agency within 45- days of the final order being issued.”

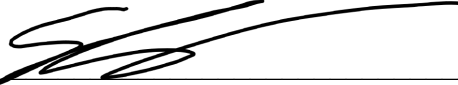
23 Had Parada been subject to the current rule, he would still be in violation because more than 45 days passed without
him having reported the Alabama discipline.

1 4. The conduct described above is the basis for discipline under ORS 672.325. Pursuant to
2 672.325(1), the Agency may impose a maximum civil penalty of \$1,000 per violation. The
3 Board proposes to assess a civil penalty of \$250 for one violation of *former* OAR 820-020-
4 0045(4) (2006).

5 **ORDER**

6 For his violation of *former* OAR 820-020-0045(4) (2006) as detailed above, the Board HEREBY
7 **assesses a \$250 civil penalty against Parada.**

8 DATED this 13 day of July, 2021.

9 
10 _____
11 Sean W. St. Clair, PE, President
12 Oregon State Board of Examiners for
13 Engineering and Land Surveying

14 **NOTICE**

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

19 **APPEAL RIGHTS**

20 You are entitled to judicial review of this order in accordance with ORS Chapter 183.482. You
21 may request judicial review by filing a petition with the Court of Appeals in Salem, Oregon
22 within 60 days from the date of service of this order.
23