

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

In the Matter of:  
GUY NELSON

Case No. x0089  
FINAL ORDER BY DEFAULT

On or about April 22, 2021, 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 Guy Nelson (Nelson). The Notice proposed to assess a civil penalty in the amount of \$500. It designated the Board file on this matter as the record for purposes of establishing a *prima facie* case upon default. Nelson 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, Nelson was a licensed engineer, registration number 83338PE. Nelson applied for renewal of his license on February 5, 2021. Nelson answered “yes” to a question on the renewal application relating to being disciplined within the prior two years. The Board has not renewed Nelson’s license pending an investigation.
2. The investigation disclosed that on or about November 9, 2015, the Indiana State Board of Registration for Professional Engineers (Indiana Board) issued a Notice of Immediate Suspension against Nelson for failing to comply with a Notice of Noncompliance, which was issued against him on September 23, 2015 for his failure to comply with a continuing education audit.
3. A Notice of Immediate Suspension is a disciplinary action related to the practice of engineering.

1 4. Nelson did not report the Indiana Notice of Immediate Suspension to the Oregon Board.

## 2 **APPLICABLE LAW**

- 3 1. *Former* OAR 820-020-0045(4) (2006), a rule of professional conduct, provided that an  
4 applicant or registrant must give written notification to the Board of any disciplinary action  
5 or sanction related to the practice of engineering, land surveying, or photogrammetric  
6 mapping imposed by any licensing agency immediately upon receiving notice of the action  
7 or sanction.<sup>1</sup>  
8
- 9 2. Under ORS 670.325(1), the Board may impose a civil penalty of up to \$1,000 per violation  
10 of its laws and rules.
- 11 3. Under ORS 672.200(6), the Board may suspend, revoke, or refuse to issue, restore, or renew  
12 a certificate or permit, or may reprimand an individual enrolled as an intern or holding a  
13 certificate or permit for violating a rule of professional conduct prescribed by the board.  
14

## 15 **CONCLUSIONS OF LAW**

- 16 1. Because the Indiana Notice of Immediate Suspension is disciplinary action related to the  
17 practice of engineering, Nelson was required to report it to the Board immediately upon  
18 receiving notice of the sanction.
- 19 2. Because the Indiana Notice of Immediate Suspension was entered by the Indiana Board on or  
20 about November 9, 2015, *former* OAR 820-020-0045(4) (2006) applied at the time and  
21 required Nelson to report disciplinary action in other states to the Oregon Board immediately  
22 upon receiving notice of that action.  
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24 <sup>1</sup> Effective May 9, 2019, OAR 820-020-0045(4) currently reads: “An applicant or registrant must give written  
25 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.”

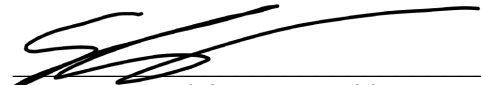
26 Had Nelson been subject to the current rule, he would still be in violation because more than 45 days passed without  
him having reported the Indiana discipline.

- 1 3. Because Nelson failed to report the Indiana Notice of Immediate Suspension to the Oregon  
2 Board immediately upon receiving notice of that action, Nelson violated *former* OAR 820-  
3 020-0045(4) (2006).
- 4 4. The conduct described above is the basis for disciplinary sanctions under ORS 672.325(1)  
5 and ORS 672.200(6). Nelson’s failure to immediately report the Indiana Notice of Immediate  
6 Suspension to the Oregon Board is a basis to assess a civil penalty of \$500 for Nelson’s  
7 violation of *former* OAR 820-020-0045(4) (2006) detailed above.  
8

9 **ORDER**

10 **For the reasons above, the Board HEREBY assesses a civil penalty in the amount of**  
11 **\$500 against Nelson for violating *former* OAR 820-020-0045(4) (2006).**

12 DATED this 13 day of July, 2021.

13   
14 Sean W. St.Clair, PE, President  
15 Oregon State and of Examiners for  
Engineering and Land Surveying

16 **NOTICE**

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

20 **APPEAL RIGHTS**

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