

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

In the Matter of:

John Elliott

Case No. 2021-3

FINAL ORDER BY DEFAULT

On or about December 16, 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 John Elliott (Elliott). The Notice proposed to assess a civil penalty in the amount of \$100. It designated the Board file on this matter as the record for purposes of establishing a *prima facie* case upon default. Elliott 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, Elliott was a licensed Oregon engineer, registration number 95269PE.
2. On or about February 11, 2021, the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors issued an Order against Elliott for offering to practice and practicing engineering services outside of his designated area of competency.
3. An Order is a disciplinary action related to the practice of engineering.
4. Elliott failed to notify the Oregon Board of the Oklahoma Order until or around October 5, 2021—236 days after the date the Oklahoma Order was issued.

APPLICABLE LAW

1. OAR 820-020-0045(4), a rule of professional conduct, provides that an applicant or registrant must give written 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.

1 2. Under ORS 670.325(1), the Board may impose a civil penalty of up to \$1,000 per violation
2 of its laws and rules.

3 3. Under ORS 672.200(6), the Board may suspend, revoke, or refuse to issue, restore, or renew
4 a certificate or permit, or may reprimand an individual enrolled as an intern or holding a
5 certificate or permit for violating a rule of professional conduct prescribed by the board.

6 **CONCLUSIONS OF LAW**

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8 1. Because the Oklahoma Order is disciplinary action related to the practice of engineering,
9 Elliott was required to report it to the Oregon Board within 45 days of the final order being
10 issued.

11 2. Because Elliott failed to report the Oklahoma Order to the Oregon Board within 45 days of it
12 being issued, Elliott violated OAR 820-020-0045(4).

13 3. The conduct described above is the basis for discipline under ORS 672.325(1) and ORS
14 672.200(6). Pursuant to ORS 672.200(6), the Board may suspend, revoke, or refuse to issue,
15 restore, or renew a certificate or permit, or may reprimand an individual holding a certificate
16 or permit for violating a rule of professional conduct prescribed by the board without
17 amending its notice. The Board may assess a civil penalty of \$100 for Elliott's violation of
18 OAR 820-020-0045(4) detailed above.
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ORDER

For the reasons above, the Board assesses a civil penalty in the amount of \$100 against Elliott for violating OAR 820-020-0045(4).

DATED this 8th day of March, 2022.

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

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 the date of service of this order.