

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

3   In the Matter of:

4   JOHN HUGO KAISER

Case No. X0103

FINAL ORDER BY DEFAULT

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6           On or about October 28, 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 John Hugo Kaiser (Kaiser). The Notice proposed to assess a civil penalty in the amount of  
9 \$6,000. It designated the Board file on this matter as the record for purposes of establishing a  
10 prima facie case upon default. Kaiser did not respond to the notice or request a hearing on the  
11 matter. Therefore, upon consideration of the facts and law, the Board enters the following Order:

12                                   **FINDINGS OF FACT AND ULTIMATE FACTS**

- 13   1. Kaiser was a licensed professional engineer (PE) in Oregon, license no. 72445PE, issued on  
14       March 11, 2003, expired on June 30, 2011, and currently in delinquent status.
- 15   2. Between July 1, 2011, and June 30, 2021, Kaiser created and stamped engineering drawings  
16       in Oregon, on three separate projects including, Bowline Hotel in Astoria, Oregon; Bouy  
17       Beer Company in Astoria, Oregon; and the Oregon Air National Guard Kingsley Field in  
18       Klamath Falls, Oregon.
- 19   3. Kaiser’s stamped plans included a stamp with Kaiser’s seal bearing an invalid expiration date  
20       of “9-30-2022.”
- 21   4. Engineering drawings are a professional report.

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1 **APPLICABLE LAW**

- 2 1. ORS 672.020(1) provides that in order to safeguard life, health and property, no person shall  
3 practice or offer to practice engineering in this state unless the person is registered and has a  
4 valid certificate to practice engineering issued under ORS 670.002.
- 5 2. OAR 820-020-0025(1) provides that registrants and applicants must be objective and truthful  
6 and include all relevant and pertinent information in all professional reports, statements or  
7 testimony, applications for registration and enrollment as an intern, and references on  
8 applications for registration and enrollment.
- 9 3. 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 Kaiser allowed his Oregon engineering licensure to expire he is not licensed to  
13 practice in Oregon.
- 14 2. Because Kaiser stamped and signed engineering drawings for a client in Oregon, he  
15 practiced engineering without a license and thus violated ORS 672.020(1).
- 16 3. Because Kaiser changed the date on his stamp to read “9-30-2022” when his license had in  
17 fact expired in July, 2011, and because the engineering drawings are a professional report,  
18 Kaiser was not truthful in a professional report and therefore violated OAR 820-020-0025(1).

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**ORDER**

For the reasons above, the Board **assesses a \$6,000 civil penalty against Kaiser** for three violations each of ORS 672.020(1) and OAR 820-020-0025(1).

DATED this 8<sup>th</sup> day of March, 2022.

  
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Sean W St.Clair, PE, President  
Oregon State Board 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 Courts of Appeals in Salem, Oregon within 60 days from the date of service of this order.