

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

In the Matter of:
Glen Armstrong

Case No. 2022-1
FINAL ORDER BY DEFAULT

On or about February 17, 2022, 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 Glen Armstrong (Armstrong). The Notice proposed to assess a civil penalty in the amount of \$250. It designated the Board file on this matter as the record for purposes of establishing a *prima facie* case upon default. Armstrong 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, Armstrong was a licensed Oregon land surveyor, registration number 87955PLS.
2. On or about March 11, 2021, the Board for Professional Engineers, Land Surveyors, and Geologists for the State of California (California Board) entered a Stipulated Settlement and Disciplinary Order (California Action) against Armstrong for engaging in incompetence and/or negligence, and for violating various sections of the Professional Land Surveyors' Act.
3. The California Action is a disciplinary action related to the practice of land surveying.
4. Armstrong failed to notify the Oregon Board of the California Action until or around December 2, 2021—267 days after the date the California Action was issued.

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APPLICABLE LAW

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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.
2. Under ORS 670.325(1), the Board may impose a civil penalty of up to \$1,000 per violation of its laws and rules.
3. OAR 820-015-0060 provides that, in establishing the amount of a civil penalty to be assessed pursuant ORS 672.325, the Board may consider the following factors: (a) the nature, gravity and magnitude of the violation; (b) prior violations, including administrative, civil or criminal proceedings in any state; (c) whether the violation was repeated or continuous; (d) whether the violation was an inadvertent act or an intentional act; (e) the history of the respondent in taking steps necessary or appropriate to correct any violation; (f) the opportunity for and the difficulty in correcting the violation at issue; and (g) whether measures have been put in place to prevent reoccurrence. In considering the factors set forth above, the applicable factors may be given varying weight depending upon the circumstances of the violation.
4. Under ORS 672.200(6), the Board may suspend, revoke, or refuse to issue, restore, or renew a certificate or permit, or may reprimand an individual enrolled as an intern or holding a certificate or permit for violating a rule of professional conduct prescribed by the board.

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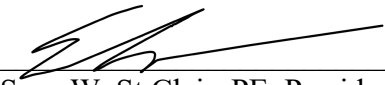
1 **CONCLUSIONS OF LAW**

- 2 1. Because the California Action is disciplinary action related to the practice of land surveying,
3 Armstrong was required to report it to the Oregon Board within 45 days of the action being
4 issued.
- 5 2. Because Armstrong failed to report the California Action to the Oregon Board within 45 days
6 of it being issued, Armstrong violated OAR 820-020-0045(4).
- 7 3. The conduct described above is the basis for discipline under ORS 672.325(1) and ORS
8 672.200(6). Pursuant to ORS 672.200(6), the Board may suspend, revoke, or refuse to issue,
9 restore, or renew a certificate or permit, or may reprimand an individual holding a certificate
10 or permit for violating a rule of professional conduct prescribed by the board without
11 amending its notice. The Board proposes to assess a civil penalty of \$250 for Armstrong's
12 violation of OAR 820-020-0045(4) detailed above.
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14 **ORDER**

15 For the reasons above, the Board **assesses a civil penalty in the amount of \$250 against**
16 **Armstrong for violating OAR 820-020-0045(4).**
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19 DATED this 10 day of May, 2022.

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

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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
4 Land Surveying.

APPEAL RIGHTS

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