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

In the Matter of:

Case No. 2023-24

ALI FAKIH

FINAL ORDER INCORPORATING SETTLEMENT AGREEMENT

Based on the attached Settlement Agreement, incorporated herein, the Oregon State Board of Examiners for Engineering and Land Surveying (Board) finds that because Ali Fakih did not report disciplinary action from Nevada to the Oregon Board within 45 days of it being issued, he violated OAR 820-020-0045(4).

IT IS HEREBY ORDERED that pursuant to ORS 672.325 and ORS 183.745, the Board assesses Fakih a civil penalty of \$1,000.

DATED this day of May, 2024.

H. Timothy Fassbender, PLS, CWRE, President Oregon State Board of Examiners for

Engineering and Land Surveying

SETTLEMENT AGREEMENT

- The Board, by and through its President, H. Timothy Fassbender, PLS, CWRE, and Ali
- 3 Fakih (Fakih), do hereby agree and stipulate as follows:
- 4 1. The Board and Fakih agree to settle this matter in accordance with ORS 183.417(3).
- 5 2. At all relevant times, Fakih was a licensed Oregon engineer, registration number 96521PE.
- 6 3. On or about May 12, 2022, the State of Nevada Board of Professional Engineers and Land
- 7 Surveyors (Nevada Board) issued a Stipulated Agreement (Nevada Agreement) against
- 8 Fakih, finding that he had practiced or offered to practice professional engineering without
- being licensed to do so, and that he had failed to disclose his lack of licensure when offering
- 10 professional engineering services in Nevada.
- 4. Fakih did not notify the Oregon Board of the Nevada Agreement until or around October 4,
- 12 2023—approximately 510 days after the date the Nevada Agreement was issued.
- 13 5. On December 28, 2023, the Board issued a Notice of Intent to Assess Civil Penalty (Notice)
- assessing Fakih a civil penalty of \$1,000. The Board charged Fakih with violating OAR 820-
- 15 020-0045(4) for not reporting the Nevada Agreement to Oregon within 45 days of it being
- issued.

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- 17 6. On February 8, 2024, the LEC and Fakih met in an informal conference to discuss a
- settlement. Fakih and the LEC agreed to settle this matter at that time.
- 19 7. The Board finds and Fakih admits that Fakih did not report the Nevada Agreement to Oregon
- within 45 days of it being issued. The Board finds and Fakih admits that by engaging in the
- conduct above, Fakih violated OAR 820-020-0045(4).
- 22 8. The Board and Fakih agree that, pursuant to ORS 672.325 and ORS 183.745 and for the
- violation above, the Board assesses Fakih a civil penalty of \$1,000.
- 24 9. The Board and Fakih agree that Fakih's violation of OAR 820-020-005(4) is an
- 25 administrative violation.

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10. Payment shall be made to the "Oregon State Board of Examiners for Engineering and Land 1 Surveying," and delivered or mailed to 670 Hawthorne Street SE, Suite 220, Salem, Oregon 2 3 97301. 11. The full \$1,000 civil penalty shall be paid no later than June 1, 2024. 4 5 12. If Fakih fails to pay any part of the civil penalty on its due date, the Board will assess a 9% 6 interest rate on any unpaid balance, and the unpaid balance will become immediately due. 7 13. Any violation of this order may result in further discipline. 8 14. The Final Order Incorporating Settlement Agreement sets forth the entire agreement of the 9 parties. Fakih agrees that the determination of any violation of this settlement agreement is 10 entirely within the Board's discretion. 11 15. Fakih understands and acknowledges that the Final Order Incorporating Settlement Agreement is a public record and may be disclosed in accordance with Oregon's public 12 13 records law. 16. Fakih represents that he has carefully read this Settlement Agreement, understands the intent 14 and content of the document, and signs below of his own free will, without coercion or 15 duress. Fakih understands this Settlement Agreement is a Final Order and he hereby waives 16 17 any and all rights to judicial review, or to otherwise appeal or challenge this Settlement 18 Agreement. 19 20 4/24/2024 Ali Fakih Date 21 22 5-14-24 23 H. Timothy Fassbender, PLS, CWRE, President Date Oregon State Board of Examiners 24 for Engineering and Land Surveying 25 26

Page 3 - FINAL ORDER INCORPORATING SETTLEMENT AGREEMENT