

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

In the Matter of:  
Larry Maddux

Case No. 2023-27

FINAL ORDER BY DEFAULT

On or about March 7, 2024, 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 Larry Maddux (Maddux) via certified mail. The Notice proposed to assess a civil penalty in the amount of \$7,000. It designated the Board file on this matter as the record for purposes of establishing a *prima facie* case upon default. Maddux 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. Maddux became an Oregon Professional Land Surveyor, registration number 02430PLS, on January 23, 1990. Maddux's license expired on December 31, 2020 due to Maddux's failure to renew, and it is currently in delinquent status.
2. On or around February 1, 2021, Maddux prepared Exhibit C of City of Medford Ordinance No. 2021-102, on which his stamp bore the false expiration date of December 31, 2021 (Project 1).
3. On or around September 22, 2022, Maddux prepared Exhibit B of Medford or Bust LLC Public Utility Easement #7833, on which his stamp bore the false expiration date of December 31, 2023 (Project 2).
4. On or around December 12, 2022, Maddux prepared Medford or Bust LLC Site Plan for Lot Consolidation, on which his stamp bore the false expiration date of December 31, 2023 (Project 3).

- 1 5. On or around December 12, 2022, Maddux prepared Exhibit B for Medford or Bust LLC  
2 Public Utility Easement #7834, on which his stamp bore the false expiration date of  
3 December 31, 2023 (Project 4).
- 4 6. On or around April 10, 2023 and May 5, 2023, Maddux prepared Joe M. Westermann Map of  
5 Survey for Property Line Adjustment, on which his stamp bore the false expiration date of  
6 December 31, 2024 (Project 5).
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8 7. On or around June 2023, Maddux prepared Exhibit A of Medford or Bust LLC Public Utility  
9 Easement #7833, on which his stamp bore the false expiration date of June 1, 2023 (Project  
10 6).
- 11 8. On or around June 2023, Maddux prepared Exhibit A of Medford or Bust LLC Public Utility  
12 Easement #7834, on which his stamp bore the false expiration date of June 1, 2023 (Project  
13 7).
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15 9. Preparing exhibits for public ordinances, exhibits for public utility easements, site plans for  
16 lot consolidations, and surveys for property line adjustments all constitute the practice of land  
17 surveying.

18 **APPLICABLE LAW**

- 19 1. ORS 672.005(2) provides, in pertinent part, that the “practice of land surveying” means  
20 providing or offering to provide for others professional services that apply mathematics,  
21 geodesy and other sciences and involve the making of geometric measurements and  
22 gathering of related information pertaining to the physical or legal features of the earth;  
23 improvements on the earth; or the space above or below the earth.

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- 1 2. ORS 672.025(1) provides that no person shall practice land surveying in this state unless the  
2 person is registered and has a valid certificate to practice land surveying issued under ORS  
3 672.002 to 672.325.
- 4 3. ORS 672.045(4) provides that a person may not attempt to use an expired or revoked  
5 certificate or permit.
- 6 4. Under ORS 670.325(1), the Board may impose a civil penalty of up to \$1,000 per violation  
7 of its laws and rules.
- 8 5. OAR 820-015-0060 provides that, in establishing the amount of a civil penalty to be assessed  
9 pursuant ORS 672.325, the Board may consider the following factors: (a) the nature, gravity  
10 and magnitude of the violation; (b) prior violations, including administrative, civil or  
11 criminal proceedings in any state; (c) whether the violation was repeated or continuous; (d)  
12 whether the violation was an inadvertent act or an intentional act; (e) the history of the  
13 respondent in taking steps necessary or appropriate to correct any violation; (f) the  
14 opportunity for and the difficulty in correcting the violation at issue; and (g) whether  
15 measures have been put in place to prevent reoccurrence. In considering the factors set forth  
16 above, the applicable factors may be given varying weight depending upon the circumstances  
17 of the violation.
- 18 6. Under ORS 672.200(6), the Board may suspend, revoke, or refuse to issue, restore, or renew  
19 a certificate or permit, or may reprimand an individual enrolled as an intern or holding a  
20 certificate or permit for violating a rule of professional conduct prescribed by the board.  
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#### 24 CONCLUSIONS OF LAW

- 25 1. Because Projects 1-7 are each a product of professional services provided for others that  
26 apply mathematics, geodesy and other sciences, and involve the making of geometric

1 measurements and gathering of related information pertaining to the physical or legal  
2 features of the earth; improvements on the earth; or the space above or below the earth, they  
3 are each a product of professional land surveying as provided by ORS 672.005(2).

4 2. Because Maddux prepared Projects 1-7 while Maddux's Oregon Professional Land Surveyor  
5 registration was expired and in delinquent status, Maddux's certificate to practice land  
6 surveying was not valid, and Maddux therefore violated ORS 672.025(1) on seven separate  
7 occasions.

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9 3. Because Maddux applied false expiration dates to his stamp when he prepared each of the  
10 Projects 1-7 as described above—all while Maddux's Oregon Professional Land Surveyor  
11 registration was expired and in delinquent status—Maddux attempted to use an expired  
12 certificate on seven separate occasions, and he therefore violated ORS 672.045(4) on seven  
13 occasions.

14 4. The conduct described above is the basis for discipline under ORS 672.325(1) and ORS  
15 672.200(6). Pursuant to ORS 672.200(6), the Board may suspend, revoke, or refuse to issue,  
16 restore, or renew a certificate or permit, or may reprimand an individual holding a certificate  
17 or permit for violating a rule of professional conduct prescribed by the board without  
18 amending its notice.  
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1 **ORDER**

2 For the reasons above, the Board assesses a civil penalty against Maddux in the  
3 amount of \$1,000 for each of the projects above for a total of \$7,000 for violating ORS  
4 672.025(1) and ORS 672.045(4). Each penalty is independently enforceable in case of a  
5 remand reversing any of the other civil penalties imposed.  
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7 DATED this 12<sup>th</sup> day of May, 2024.  
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10 H. Timothy Fassbender, PLS, CWRE  
11 President  
12 Oregon State and of Examiners for  
Engineering and Land Surveying

13 **NOTICE**

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

17 **APPEAL RIGHTS**

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