

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

In the Matter of:
Ildefonso Gonzalez

Case No. 2023-31
FINAL ORDER BY DEFAULT

On or about February 15, 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 Ildefonso Gonzalez (Gonzalez) via certified mail. The Notice proposed to assess a civil penalty in the amount of \$500. It designated the Board file on this matter as the record for purposes of establishing a *prima facie* case upon default. Gonzalez 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, Gonzalez was a licensed Oregon engineer, registration number 85747PE.
2. On or about November 10, 2022, the Iowa Engineering and Land Surveying Examining Board (Iowa Board) issued a Statement of Charges, Consent, and Order (Iowa Order) against Gonzalez, finding that he had failed to comply with a compliance review.
3. Under the Iowa Order, Gonzalez was ordered to pay a fine of \$250.
4. The Iowa Order is a disciplinary action related to the practice of engineering.
5. Gonzalez failed to notify the Oregon Board of the Iowa Order until or around December 19, 2023—approximately 404 days after the date the Iowa Order was issued.

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APPLICABLE LAW

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2 1. OAR 820-020-0045(4), a rule of professional conduct, provides that an applicant or registrant
3 must give written notification to the Board of any disciplinary action or sanction related to
4 the practice of engineering, land surveying, or photogrammetric mapping imposed by any
5 licensing agency within 45 days of the final order being issued.
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7 2. Under ORS 670.325(1), the Board may impose a civil penalty of up to \$1,000 per violation
8 of its laws and rules.
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10 3. OAR 820-015-0060 provides that, in establishing the amount of a civil penalty to be assessed
11 pursuant ORS 672.325, the Board may consider the following factors: (a) the nature, gravity
12 and magnitude of the violation; (b) prior violations, including administrative, civil or
13 criminal proceedings in any state; (c) whether the violation was repeated or continuous; (d)
14 whether the violation was an inadvertent act or an intentional act; (e) the history of the
15 respondent in taking steps necessary or appropriate to correct any violation; (f) the
16 opportunity for and the difficulty in correcting the violation at issue; and (g) whether
17 measures have been put in place to prevent reoccurrence. In considering the factors set forth
18 above, the applicable factors may be given varying weight depending upon the circumstances
19 of the violation.
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21 4. Under ORS 672.200(6), the Board may suspend, revoke, or refuse to issue, restore, or renew
22 a certificate or permit, or may reprimand an individual enrolled as an intern or holding a
23 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 Iowa Order is a disciplinary action related to the practice of engineering,
3 Gonzalez was required to report it to the Oregon Board within 45 days of the action being
4 issued.
- 5 2. Because Gonzalez failed to report the Iowa Order to the Oregon Board within 45 days of it
6 being issued, Gonzalez 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.
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13 **ORDER**

14 For the reasons above, the Board assesses a civil penalty in the amount of \$500 against
15 Gonzalez for violating OAR 820-020-0045(4).
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18 DATED this 10th day of May, 2024.

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21 H. Timothy Fassbender, PLS, CWRE
22 President
23 Oregon State and of Examiners for
24 Engineering and Land Surveying

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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.