BEFORE THE OREGON STATE BOARD OF EXAMINERS 1 FOR ENGINEERING AND LAND SURVEYING 2 In the Matter of: Case No. 2024-37 3 FINAL ORDER BY DEFAULT DAVID LOOMIS 4 5 On or about August 26, 2024, the Oregon State Board of Examiners for Engineering and 6 Land Surveying (Board) properly served a Notice of Intent to Assess a Civil Penalty (Notice) on 7 David Loomis (Loomis). The Notice assessed a civil penalty in the amount of \$3,000, and it 8 designated the Board file on this matter as the record for purposes of establishing a prima facie 9 case upon default. Loomis did not request a hearing. Therefore, upon consideration of the facts 10 and law, the Board enters the following Order: 11 FINDINGS OF FACT AND ULTIMATE FACTS 12 1. At all relevant times, Loomis was an Oregon Professional Land Surveyor (PLS), 13 registration number 01908PLS. 14 2. On or about April 4, 2024, Loomis submitted a property line adjustment survey to the 15 Lincoln County Surveyors Office in Lincoln County, Oregon. 16 3. On April 4, 2024, a County field check was conducted on the survey location, finding 17 five monuments marked on the survey, had not been set. 18 4. On or about April 6, 2024, Loomis returned to the survey site and attempted to set 19 monuments as stated in his survey. 20 111 21 111 22 23

5. On July 18, 2024, County officials conducted a field check on the survey site and noted 1 three of the five previously missing monuments were located as described on the filed 2 3 survey. 6. One of the set monuments was out of position by 2.47 feet, as reported on the survey. 4 7. A new monument located by the field crew, was not marked on the survey and is not of 5 record. 6 APPLICABLE LAW 7 1. Under ORS 672.325(1), the Board may impose a civil penalty of up to \$1,000 per 8 9 violation without amending its notice. 2. Under ORS 92.050(1) A person shall not submit a plat of a subdivision or partition 10 for record, until all the requirements of ORS 209.250 and the plat requirements of the 11 12 subdivision or partition have been met. Under ORS 92.050(4) A surveyor shall set monuments with sufficient accuracy that 13 measurements may be taken between monuments within one-tenth of a foot or within 14 15 one ten-thousandth of the distance shown on the subdivision or partition plat, whichever is greater. 16 4. Under ORS 209.250(1) A registered professional land surveyor making a survey of 17 18 lands within this state wherein the surveyor establishes or reestablishes a boundary monument shall, within 45 days thereafter, submit for filing a permanent map of the 19 survey to the county surveyor for review. When filed, the map is a permanent public 20 21 record in the office of the county surveyor. In establishing or reestablishing a public

land survey corner, the surveyor shall comply with ORS 209.070 (4), 209.130 and

209.200. If the surveyor is unable to complete the survey and submit a permanent

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map within 45 days, the surveyor shall, within 45 days of establishing or 1 reestablishing a boundary monument, provide written notice to the county surveyor 2 containing the reasons for the delay, an estimate of the amount of time reasonably 3 necessary to complete the survey but not exceeding 180 days, and a temporary map 4 showing the position of monuments established or reestablished. 5 **CONCLUSIONS OF LAW** 6 1. Loomis submitted a survey, to Lincoln County Surveyor's Office that failed to have 7 8 the monuments set as annotated on the survey, thus violating ORS 92.050(1). 2. A monument set by Loomis was 2.47 feet out of position as described on the survey. 9 thus violating ORS 92.060(4). 10 3. A monument not of record, on the survey, was set by Loomis, on or about April 6. 11 2024. This monument has been in the ground over 45days, without being recorded. 12 thus violating ORS 209.250(1). 13 4. The conduct described above is the basis for discipline under ORS 672.325. Pursuant 14 to 672.325(1), the Board may impose a maximum civil penalty of \$1,000 per 15 violation. The Board proposes to assess a civil penalty of \$1000 for one violation 16 17 each of ORS 92.050(1), ORS 92.060(4) & ORS 209.250(1), for a total proposed civil penalty of \$3000. 18 111 19 111 20 111 21 111 22 111

Page 3 - FINAL ORDER BY DEFAULT

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1	ORDER
2	For the reasons above, the Board HEREBY imposes a \$3000 civil penalty against Loomis for
3	one violation each of ORS 92.050(1), ORS 92.060(4) & ORS 209.250(1).
4	DATED this 12 day of November, 2024.
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6	Tim Fassbender, PLS, CWRE, President
7	Oregon State Board of Examiners for Engineering and Land Surveying
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9	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
10	this order). Make checks payable to the Oregon State Board of Examiners for Engineering and Land Surveying.
11	APPEAL RIGHTS
12	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
13	within 60 days from the date of service of this order.
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