BEFORE THE OREGON STATE BOARD OF EXAMINERS 1 FOR ENGINEERING AND LAND SURVEYING 2 In the Matter of: Case No. 2024-42 3 FINAL ORDER BY DEFAULT JOO HWAN LEE 5 On or about October 16, 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 Joo Hwan Lee (Lee). The Notice assessed a civil penalty in the amount of \$500, and it 8 designated the Board file on this matter as the record for purposes of establishing a prima facie 9 case upon default. Lee did not respond to the notice of intent and did not request a hearing. 10 Therefore, upon consideration of the facts and law, the Board enters the following Order: 11 FINDINGS OF FACT AND ULTIMATE FACTS 12 1. At all relevant times, Lee was an Oregon Professional Engineer (PE), registration number 13 55620PE. 14 2. On December 15, 2022, Lee submitted a Continuing Professional Development 15 Organizational Form (Form) to OSBEELS with his Registrant Information Update Form. 16 According to the Form, between July 2021 and June 2022, Lee earned a total of 30 17 Professional Development Hour Units. 18 3. In March of 2024, Lee was randomly selected for the Board's Continuing Professional 19 Development Audit, to verify the Professional Development Hour Units he had claimed 20 on his Form in his December 2022 Registrant Information Update Form. 21 22 23

- 4. On March 19, 2024, OSBEELS contacted Lee via email informing him that he had been selected as part of the March 2024 audit. The email requested Lee submit supporting documentation for the Professional Development Hour Units he had claimed on his December 2022 Form. Lee did not respond to the request.
- 5. On May 20, 2024, OSBEELS emailed Lee a second notice requesting response and Lee did not respond to the request.
- 6. On June 12, 2024, OSBEELS mailed a letter and emailed Lee a third and final notice requesting response, Lee did not respond to either notice.
 - 7. On July 17, 2024, OSBEELS initiated an investigation on Lee's failure to respond to the audit. Lee was sent a respond to allegations letter and did not respond to the allegations.
 - 8. OSBEELS Law Enforcement Committee voted to assess a civil penalty of \$500 against Lee, for failure to comply with audit requirements and for failure to cooperate with the Board.

APPLICABLE LAW

- 1. ORS 672.325(1) provides that, in addition to any other penalty provided by law, any person who violates any provision of ORS 672.002 to 672.325 or any rule adopted thereunder shall forfeit and pay to the Board a civil penalty in an amount determined by the Board of not more than \$1,000 for each offense. The Board may do so here without amending its Notice.
- 2. OAR 820-010-0635(1)(a) provides that every registrant is required to obtain 30 Professional Development Hour Units during each biennial registration period and in order to renew for the next biennial registration period. To verify compliance with this sub-paragraph of the rule, OAR 820-010-0635(1)(e) provides that registrants must submit supporting

- documentation to verify the PDH units recorded to the Board office when requested to participate in an audit.
- OAR 820-015-0026, provides that any registrant who fails to satisfy the Continuing
 Professional Development requirements in OAR 820-010-0635 will be subject to suspension
 of or refusal to renew the registrant's license. Failure to satisfy the Continuing Professional

Development requirements will not be the sole basis for license revocation.

- 4. OAR 820-020-0015(7), a rule of professional conduct, provides that registrants shall
 continue their professional development throughout their careers; and they shall provide
 opportunities for the professional development of individuals under their supervision. The
 Board may require, as a condition for license renewal, that registrants provide documentation
 to support actions taken to maintain their professional competency.
 - 5. OAR 820-020-0015(8), a rule of professional conduct, provides that registrants or applicants for registration or certification shall cooperate with the Board on all matter subject to the Board's jurisdiction.

CONCLUSIONS OF LAW

- 1. Because Lee failed to submit supporting documentation to verify the Professional

 Development Hour Units recorded on his Form when requested to participate in the March

 2024 audit, he violated 820-010-0635(1)(e) and OAR 820-020-0015(7). By failing to comply

 with the March 2024 audit in this manner, Lee also failed to cooperate with the Board,

 thereby also violating rule of professional conduct OAR 820-020-0015(8).
- Lee failed to satisfy his Continuing Educational Requirements by not providing proof of his
 educational credits to the Board, thus violating OAR 820-015-0026.

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1	3.	Because Lee failed to respond to requests to comply with Board audit requirements on at
2	1	least three occasions, Lee again failed to cooperate with the Board and again violated rule of
3	1	professional conduct OAR 820-020-0015(8).
4	4.]	By failing to submit supporting documentation to verify that he had, in fact, obtained the
5]	Professional Development Hour Units he claimed, Lee failed to establish that he obtained the
6	(continuing education required for every registrant, as well as failed to establish obtaining the
7	1	Professional Development Hour Units required to renew his registration. Lee also thereby
8	•	violated OAR 820-010-0635(1)(a).
9	5. I	By engaging in the conduct set forth above, Lee subjected himself to the imposition of civil
10	1	penalty.
11		ORDER
12	For t	the reasons above, the Board HEREBY imposes a \$500 civil penalty against Lee for
13	viols	ating OAR 820-010-0635(1)(e) and OAR 820-020-0015(7),(8).
14		DATED this 147 day of January, 2025.
15		DATED uns 14 day of January, 2025.
16		Time Freshold Discourage Discoura
17		Tim Fassbender, PLS, CWRE, President Oregon State Board of Examiners for
18		Engineering and Land Surveying
19		NOTICE penalties, if unpaid, may be recorded and filed with the county clerks as liens against
20	this o	erty 10 days after the expiration of the statutory appeals period (70 days after issuance of order). Make checks payable to the Oregon State Board of Examiners for Engineering and Surveying.
21		APPEAL RIGHTS
22	You	are entitled to judicial review of this order in accordance with ORS Chapter 183.482. You request judicial review by filing a petition with the Court of Appeals in Salem, Oregon
22		in 60 days from the date of service of this order.