BEFORE THE
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:	Case No. 922-A
CARL EDWARD CHAPMAN **1114 South Sycamore Avenue** **Los Angeles, CA 90019** **Civil Engineer License No. C 23777**	**DEFAULT DECISION AND ORDER** [Gov. Code, §11520]
Respondent.	

FINDINGS OF FACT

1. On or about July 19, 2010, Complainant David E. Brown, in his official capacity as the Executive Officer of the Board for Professional Engineers and Land Surveyors, Department of Consumer Affairs, filed Accusation No. 922-A against Carl Edward Chapman (Respondent) before the Board for Professional Engineers and Land Surveyors. (Accusation attached as Exhibit A.)

2. On or about June 12, 1974, the Board for Professional Engineers and Land Surveyors (Board) issued Civil Engineer License No. C 23777 to Respondent. The Civil Engineer License expired on December 31, 2007, and has not been renewed.

3. On or about August 11, 2010, Respondent was served by Certified and First Class Mail copies of the Accusation No. 922-A, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code

section 136 and/or agency specific statute or regulation, is required to be reported and maintained with the Board, which was and is: 1114 South Sycamore Avenue, Los Angeles, CA 90019.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c) and/or Business & Professions Code section 124.

5. On or about August 16, 2010, the aforementioned documents were returned by the U.S. Postal Service marked "Not Deliverable as Addressed."

6. Government Code section 11506 states, in pertinent part:

> (c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

7. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 922-A.

8. California Government Code section 11520 states, in pertinent part:

> (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 922-A, finds that the charges and allegations in Accusation No. 922-A, are separately and severally, found to be true and correct by clear and convincing evidence.

10. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement are $1,607.50 as of September 24, 2010.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Carl Edward Chapman has subjected his Civil Engineer License No. C 23777 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board for Professional Engineers and Land Surveyors is authorized to revoke Respondent's Civil Engineer License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

a. Business and Professions Code section 8780, subdivision (d) (Failure to Set Final Monuments)

ORDER

IT IS SO ORDERED that Civil Engineer License No. C 23777, heretofore issued to Respondent Carl Edward Chapman, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on December 24, 2010.

It is so ORDERED November 17, 2010

Original Signed

FOR THE BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
DEPARTMENT OF CONSUMER AFFAIRS

60555640.DOC
DOJ Matter ID: LA2010600360

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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BEFORE THE
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **CARL EDWARD CHAPMAN** **1114 South Sycamore Avenue** **Los Angeles, CA 90019** **Civil Engineer License No. C 23777** Respondent.	Case No. 922-A **A C C U S A T I O N**

Complainant alleges:

PARTIES

1. David E. Brown (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Board for Professional Engineers and Land Surveyors, Department of Consumer Affairs.

2. On or about June 12, 1974, the Board for Professional Engineers and Land Surveyors issued Civil Engineer License Number C 23777 to Carl Edward Chapman (Respondent). The Civil Engineer License expired on December 31, 2007, and has not been renewed.

JURISDICTION

3. This Accusation is brought before the Board for Professional Engineers and Land Surveyors (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 6731 of the Code states, in pertinent part, that

. . . .

"Civil engineers registered prior to January 1, 1982, shall be authorized to practice all land surveying as defined in Chapter 15 (commencing with Section 8700) of Division 3."

5. Business and Professions Code section 8780 provides, in pertinent part, that the board may receive and investigate complaints against licensed land surveyors and registered civil engineers, and make findings thereon.

By a majority vote, the board may reprove, suspend for a period not to exceed two years, or revoke the license or certificate of any licensed land surveyor or registered civil engineer, respectively, licensed under this chapter or registered under the provisions of Chapter 7 (commencing with Section 6700), whom it finds to be guilty of:

. . . .

(d) Any violation of any provision of this chapter or of any other law relating to or involving the practice of land surveying.

. . . .

6. Government Code section 66495 states:

"At the time of making the survey for the final map or parcel map unless the survey is not required pursuant to Section 66448, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Section 8771 of the Business and Professions Code so that another engineer or surveyor may readily retrace the survey. He shall also set such additional monuments as may be required by local ordinance. The local agency shall require that at least one exterior boundary line of the land being subdivided be adequately monumented or referenced before the map is recorded."

7. Government Code section 66496 states:

"Interior monuments need not be set at the time the map is recorded, if the engineer or surveyor certifies on the map that the monuments will be set on or before a specified later date, and if the subdivider furnishes to the legislative body security guaranteeing the payment of the cost of setting such monuments."

8. Government Code section 66497 states:

"Within five days after the final setting of all monuments has been completed, the engineer or surveyor shall give written notice to the subdivider, and to the city engineer or the county surveyor or any other public official or employee authorized to receive these notices, that the final monuments have been set.

Upon payment to the engineer or surveyor for setting the final monuments, the subdivider shall present to the legislative body evidence of the payment and receipt thereof by the engineer or surveyor. In the case of a cash deposit, the legislative body shall pay the engineer or surveyor for the setting of the final monuments from the cash deposit, if so requested by the depositor.

If the subdivider does not present evidence to the legislative body that the engineer or surveyor has been paid for the setting of the final monuments, and if the engineer or surveyor notifies the legislative body that payment has not been received from the subdivider for the setting of the final monuments, the legislative body shall, within three months from the date of the notification, pay to the engineer or surveyor from any deposit the amount due."

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

10. Section 118 of the Code states:

"(a) The withdrawal of an application for a license after it has been filed with a board in the department shall not, unless the board has consented in writing to such withdrawal, deprive the board of its authority to institute or continue a proceeding against the applicant for the denial of the license upon any ground provided by law or to enter an order denying the license upon any such ground.

"(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its

authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

"(c) As used in this section, 'board' includes an individual who is authorized by any provision of this code to issue, suspend, or revoke a license, and 'license' includes 'certificate,' 'registration,' and 'permit.'"

CAUSE FOR DISCIPLINE

(Failure to Set Final Monuments)

11. Respondent is subject to disciplinary action under Business and Professions Code section 8780, subdivision (d), for failure to comply with Government Code section 66495, in that he failed to set required monuments for the following Final Maps:

a. Final Map No. 51177, which was recorded in book 1287 69/70 in the Office of the County Recorder, Los Angeles County on February 26, 2004.

b. Final Map No. 48906, which was recorded in book 1288 44/52 in the Office of the County Recorder, Los Angeles County on March 29, 2004.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board for Professional Engineers and Land Surveyors issue a decision:

1. Revoking or suspending Civil Engineer License Number C 23777, issued to Carl Edward Chapman;

2. Ordering Carl Edward Chapman to pay the Board for Professional Engineers and Land Surveyors the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 7/19/10

Original Signed

DAVID E. BROWN
Executive Officer
Board for Professional Engineers and Land Surveyors
Department of Consumer Affairs
State of California
Complainant

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