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

In the Matter of the Accusation against:	)	
	)	
RICHARD H. CHASEY, JR. 2239 West Javalina Avenue Mesa, AZ 85202	)	Case No. 836-A
	)	
Civil Engineer License No. C 32711,	)	
	)	
Respondents.	)	
	)	

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board for Professional Engineers and Land Surveyors as its Decision in the above-entitled matter.

This Decision shall become effective on December 24, 2010.

IT IS SO ORDERED November 17, 2010.

Original Signed

BOARD FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS
Department of Consumer Affairs
State of California

EDMUND G. BROWN JR.
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General
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State Bar No. 169207
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Attorneys for Complainant

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

In the Matter of the Accusation Against: **RICHARD H. CHASEY, JR.** P.O. Box 369 Big Bear City, CA 92314 2239 W. Javelina Avenue Mesa, AZ 85202 **Civil Engineer License No. C 32711** Respondent.	Case No. 836-A **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. David E. Brown (Complainant) is the Executive Officer of the Board for Professional Engineers and Land Surveyors. He brought this action solely in his official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Gillian E. Friedman, Deputy Attorney General.

2. Respondent Richard H. Chasey, Jr. (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about July 15, 1981, the Board for Professional Engineers and Land Surveyors issued Civil Engineer License No. C 32711 to Richard H. Chasey, Jr. The Civil Engineer License

was in full force and effect at all times relevant to the charges brought in Accusation No. 836-A and expired on June 30, 2010.

JURISDICTION

4. Accusation No. 836-A was filed before the Board for Professional Engineers and Land Surveyors, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 23, 2009. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 836-A is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 836-A. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 836-A.

9. Respondent agrees that his Civil Engineer License is subject to discipline and he agrees to be bound by the Board for Professional Engineers and Land Surveyors' imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

10. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

11. In consideration of the foregoing admissions and stipulations, the parties agree that the Board for Professional Engineers and Land Surveyors may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Civil Engineer License No. C 32711 issued to Respondent Richard H. Chasey, Jr. (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for four (4) years on the following terms and conditions.

1. **Obey All Laws.** The Respondent shall obey all federal, state, and local laws and regulations related to the practices of professional engineering and land surveying.

2. **Submit Reports.** The Respondent shall submit such special reports as the Board may require.

3. **Violation of Probation.** If the Respondent violates the probationary conditions in any respect, the Board, after giving the Respondent notice and the opportunity to be heard, may vacate the stay and reinstate the disciplinary order which was stayed. If, during the period of probation, an accusation or petition to vacate stay is filed against the Respondent, or if the matter has been submitted to the Office of the Attorney General for the filing of such, the Board shall have continuing jurisdiction until all matters are final, and the period of probation shall be extended until all matters are final.

4. **Completion of Probation.** Upon successful completion of all of the probationary conditions and the expiration of the period of probation, the Respondent's Civil Engineer License shall be unconditionally restored.

5. **Cost Recovery.** Respondent is hereby ordered to reimburse the Board the amount of $2,961.00 within three and one-half (3 1/2) years from the effective date of this decision for its investigative and prosecution costs. Said reimbursement may be paid in installments. Failure to

reimburse the Board's cost of its investigation and prosecution shall constitute a violation of the probation order.

6. **Examination.** Within one hundred eighty (180) days of the effective date of the decision, the Respondent shall successfully complete and pass the California Laws and Board Rules examination, as administered by the Board.

7. **Ethics Course**. Within three and one-half (3 ½) years of the effective date of the decision, Respondent shall successfully complete and pass a course in professionalism and ethics for engineers and land surveyors, approved in advance by the Board or its designee. Respondent shall provide the Board with official proof of completion of the requisite course.

8. **Notification.** Within 30 days of the effective date of the decision, the Respondent shall provide the Board with evidence that he has provided all persons or entities with whom he has a contractual or employment relationship such that the relationship is in the area of practice of professional engineering and/or professional land surveying in which the violation occurred with a copy of the decision and order of the Board and shall provide the Board with the name and business address of each person or entity required to be so notified. During the period of probation, the Respondent may be required to provide the same notification of each new person or entity with whom he has a contractual or employment relationship such that the relationship is in the area of practice of professional engineering and/or land surveying in which the violation occurred and shall report to the Board the name and address of each person or entity so notified.

9. **Take and Pass College-Level Courses.** Within three and one-half (3 ½) years of the effective date of the decision, Respondent shall successfully complete and pass three (3) college-level land surveying courses, related to the areas of violation. Said courses shall be approved in advance by the Board or its designee. Respondent shall provide the Board with official proof of completion of the requisite courses. For purposes of this condition, "college-level course" means

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a course offered by a community college or a four-year university of three semester units or the equivalent; it does not include seminars.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order, ~~and have fully discussed it with my attorney, Peter L. Chasey.~~ 8/23/10 8/23/10 I understand the stipulation and the effect it will have on my Civil Engineer License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board for Professional Engineers and Land Surveyors.

DATED: 08/23/10

Original Signed

RICHARD H. CHASEY, JR.
Respondent

~~I have read and fully discussed with Respondent Richard H. Chasey, Jr. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.~~ 8/23/10

~~DATED:~~

~~PETER L. CHASEY~~
~~Attorney for Respondent~~

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board for Professional Engineers and Land Surveyors.

DATED: 8/24/10

Respectfully Submitted,

EDMUND G. BROWN JR.
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General

Original Signed

GILLIAN E. FRIEDMAN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 836-A

EDMUND G. BROWN JR., Attorney General
of the State of California
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Attorneys for Complainant

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

In the Matter of the Accusation Against: RICHARD H. CHASEY, JR. P.O. Box 369 Big Bear City, CA 92314 Civil Engineer License No. C 32711 Respondent.	Case No. 836-A **ACCUSATION**

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 July 15, 1981, the Board issued Civil Engineer License Number C 32711 to Richard H. Chasey, Jr. (Respondent). The Civil Engineer License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2010, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless

otherwise indicated.

4. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. 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.

6. Section 6775 of the Code states, in pertinent part, that

> The board may reprove, suspend for a period not to exceed two years, or revoke the certificate of any professional engineer registered under this chapter:
>
> . . .
>
> (b) Who has been found guilty by the board of any deceit, misrepresentation, or fraud in his or her practice.
>
> (c) Who has been found guilty by the board of negligence or incompetence in his or her practice.

7. Section 8780 of the Code states, 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:
>
> a) Any fraud, deceit, or misrepresentation in his or her practice of land surveying.
>
> (b) Any negligence or incompetence in his or her practice of land surveying.
>
> . . . .
>
> (d) Any violation of any provision of this chapter or of any other law relating to or involving the practice of land surveying.

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8. California Code of Regulations, title 16, section 464 states, in pertinent part:

. . . .

(c) The corner record shall be filed within 90 days from the date a corner was found, set, reset, or used as control in any survey. The provisions for extending the time limit shall be the same as provided for a record of survey in Section 8762 of the Code.

FIRST CAUSE FOR DISCIPLINE

(Negligence and/or Incompetence in the Practice of Engineering)

9. Respondent is subject to disciplinary action under sections 6775(c) and 8780(b) of the Code in that Respondent was negligent and incompetent in his practice of land surveying relating to a survey purporting to depict Lot 238 of the Clinemiller Subdivision MB 20/19-20 in San Bernardino, California, that was prepared on or about May 14, 1996. The circumstances are as follows:

10. Respondent signed and stamped a Corner Record Form dated May 14, 1996, however, Respondent did not file the subject corner record.

11. Respondent ignored the basic rules of surveying lots in subdivisions by failing to work between found valid points and prorating overages/shortages or by holding to credible found monuments.

12. Respondent ignored the basic rules of surveying lots in subdivisions by failing to take sufficient notice of a record of survey filed by the County Surveyor in 1985, showing poor knowledge of the subject.

13. In the May 14, 1996 survey, Respondent failed apply ordinary care in surveying lots in a subdivision. Respondent failed to show sufficient credible monumentation or measurements between points to establish the westerly boundary in question.

14. In or about December 2004, Respondent performed a re-survey of the subject lot, which deviated significantly from the May 14, 1996. The 2004 survey found the westerly rear line to be 8 feet easterly of the 1996 survey. The bearings of the sidelines on the lot changed by up to 7 ½ degrees and the lengths on the sidelines were shorter by up to 3 feet.

Upon further inspection, it was determined that the May 14, 1996 survey contained incorrect information.

SECOND CAUSE FOR DISCIPLINE

(Misrepresentation)

15. Respondent is subject to disciplinary action under sections 6775(b) and 8780(a) of the Code in that Respondent misrepresented that the findings in the December 2004 "re-survey" were reflective of the findings made in the survey dated May 14, 1996 of Lot 238 of the Clinemiller Subdivision MB 20/19-20 in San Bernardino, California. The December 2004 survey was a corrected survey and was not reflective of the May 14, 1996 survey. The May 14, 1996 survey contained errors and omissions as set forth in paragraphs 10 through 14 above, and incorporated herein as though fully set forth.

THIRD CAUSE FOR DISCIPLINE

(Failure to File Corner Record)

16. Respondent is subject to disciplinary action under section 8780(d) in that he failed to file a corner record after performing a survey dated May 14, 1996 purporting to depict Lot 238 of the Clinemiller Subdivision MB 20/19-20 in San Bernardino, California project in violation of CCR section 464(c). The circumstances are set forth in detail in paragraph 9 and 10 above, and are incorporated herein as though fully set forth.

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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 32711, issued to Richard H. Chasey, Jr.

2. Ordering Richard H. Chasey, Jr. 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; and

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

DATED: July 7, 2009

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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