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8
9 **BEFORE THE**
BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND
GEOLOGISTS
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 957-A

13 **JACK C. LEE**
14 **576 East Lambert Road**
Brea, CA 92821

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15 **Civil Engineer License No. C 40870**
16 **Geotechnical Engineer License No. GE 2153**
Land Surveyor License No. L 8407

17 Respondent.
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19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Richard B. Moore, PLS (Complainant) is the Executive Officer of the Board for
24 Professional Engineers, Land Surveyors, and Geologists. He brought this action solely in his
25 official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the
26 State of California, by David E. Hausfeld, Deputy Attorney General.

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1 Jack C. Lee are revoked. However, the revocations are stayed and Respondent is placed on
2 probation for four (4) years on the following terms and conditions.

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

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

7 3. **Tolling of Probation.** The period of probation shall be tolled during the time
8 Respondent is practicing exclusively outside the state of California. If, during the period of
9 probation, Respondent practices exclusively outside the state of California, Respondent shall
10 immediately notify the Board in writing.

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

18 5. **Completion of Probation.** Upon successful completion of all of the probationary
19 conditions and the expiration of the period of probation, Respondent's Civil Engineer License No.
20 C 40870, Geotechnical Engineer License No. GE 2153, and Land Surveyor License No. L 8407
21 shall be unconditionally restored.

22 6. **Cost Recovery.** Within three (3) years of the effective date of this decision,
23 Respondent shall reimburse the Board the amount of \$6,612.50, for its investigative and
24 enforcement costs. Failure to reimburse the Board's investigative and enforcement costs shall
25 constitute a violation of the probation order. Said reimbursement may be made in installments,
26 subject to a payment plan the Board has agreed to in writing.

27 7. **Examination.** Within ninety (90) days of the effective date of the decision,
28 Respondent shall successfully complete and pass the California Professional Engineers State

1 Laws and Board Rules Examination and the California Professional Land Surveyors State Laws
2 and Board Rules Examination as administered by the Board.

3 8. **Ethics Course.** Within three and one-half (3 1/2) years from the effective date of the
4 decision, Respondent shall successfully complete and pass a course in professional ethics,
5 approved in advance by the Board or its designee.

6 9. **Take And Pass Examinations.** Within three and one-half (3 1/2) years from the
7 effective date of the decision, Respondent shall successfully complete and pass two (2)
8 college-level civil engineering courses, which must be related to the areas of violation alleged in
9 the Accusation. Said courses shall be approved in advance by the Board or its designee.
10 Respondent shall provide the Board with official proof of completion of the requisite courses.
11 For purposes of this condition, "college-level course" shall mean a course offered by a
12 community college or a four-year university of three semester units or the equivalent;
13 "college-level course" does not include seminars.

14 ACCEPTANCE

15 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
16 discussed it with my attorney, Lawrence A. Treglia. I understand the stipulation and the effect it
17 will have on my Civil Engineer License, Geotechnical Engineer License, and Land Surveyor
18 License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly,
19 and intelligently, and agree to be bound by the Decision and Order of the Board for Professional
20 Engineers, Land Surveyors, and Geologists.

21
22 DATED: Aug 13, 2012 Original Signed
23 JACK C. LEE
24 Respondent
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1 I have read and fully discussed with Respondent Jack C. Lee the terms and conditions and
2 other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its
3 form and content.

4
5 DATED: 8/13/12 *Original Signed*
6 LAWRENCE A. TREGLIA
7 Attorney for Respondent
8
9

10 **ENDORSEMENT**

11 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
12 submitted for consideration by the Board for Professional Engineers, Land Surveyors, and
13 Geologists of the Department of Consumer Affairs.

14 Dated:

Respectfully submitted,

15
16 KAMALA D. HARRIS
Attorney General of California
17 JAMES M. LEDAKIS
Supervising Deputy Attorney General

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19 DAVID E. HAUSFELD
20 Deputy Attorney General
Attorneys for Complainant
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I have read and fully discussed with Respondent Jack C. Lee the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____
LAWRENCE A. TREGLIA
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board for Professional Engineers, Land Surveyors, and Geologists of the Department of Consumer Affairs.

Dated: 8/16/12

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General

Original Signed

DAVID E. HAUSFELD
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 957-A

1 EDMUND G. BROWN JR.
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 DAVID E. HAUSFELD
Deputy Attorney General
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A C C U S A T I O N

15 **Civil Engineer License No. C 40870**
16 **Geotechnical Engineer License No. GE 2153**
17 **Land Surveyor License No. L 8407**

Respondent.

18
19 Complainant alleges:

20 **PARTIES**

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

24 2. On or about August 1, 1986, the Board for Professional Engineers and Land
25 Surveyors issued Civil Engineer License Number C 40870 to Jack C. Lee (Respondent). The
26 Civil Engineer License was in full force and effect at all times relevant to the charges brought
27 herein and will expire on March 31, 2011, unless renewed.

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1 the survey monuments along the west side, even though he was not licensed to perform that
2 aspect of land surveying.

3 15. During the course of construction of the property it was learned that the property
4 boundary lines as shown on the plans prepared by or on behalf of Respondent were incorrect
5 causing the block wall that was built on that property line to be built in the wrong location.

6 16. During the course of construction on the property it was learned that the storm drain
7 plans, including the catch basins and grading plans prepared by or on behalf of Respondent were
8 seriously flawed and required redesign. Specifically, the on-site catch basins were improperly
9 sized and would not have been able to perform their function if constructed to Respondent's
10 design; the plan detail for the southwesterly catch basin calls for a non-traffic grate, even though
11 the basin was located in a vehicular traffic area; the catch basin and detention basin details are
12 inaccurate and confusing in that they do not line up as called for, rendering the detention basin
13 useless. The property owner hired another civil engineer to re-draft the plans for this work.

14 17. During the course of construction on the property it was learned that the grading plans
15 prepared by or on behalf of Respondent were also not in compliance with the requirements of the
16 Americans with Disabilities Act in that the grading slopes and details were either in error or
17 missing. The property owner hired another civil engineer to re-draft the plans for this work.

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Negligence in the Practice of Engineering)**

20 18. Respondent is subject to disciplinary action under Code section 6775 (c) in that
21 Respondent was negligent in his practice of engineering regarding the undeveloped property to be
22 built into a dental office in Temple City, in the County of Los Angeles, California, as follows.

23 19. The improper re-placement of lot stakes in April of 2007, as more fully described in
24 paragraphs 14 and 15 above, was below the standard of care in that Respondent should have
25 engaged a licensed land surveyor to perform that aspect of the work and not undertaken it
26 himself, since he was not licensed as a land surveyor at that time.

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

DATED: 12/6/0

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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