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. 876-A
GERALD E. RONNEBECK **133 East Bonita Avenue, #202** **San Dimas, CA 91773** **Civil Engineer License No. C 42853** Respondent.	**DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about February 17, 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. 876-A against Gerald E. Ronnebeck (Respondent) before the Board for Professional Engineers and Land Surveyors.

2. On or about August 21, 1987, the Board for Professional Engineers and Land Surveyors (Board) issued Civil Engineer License No. C 42853 to Respondent. The Civil Engineer License was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2012, unless renewed.

3. On or about March 18, 2010, Rebecca Garcia, an employee of the Department of Justice, served by Certified Mail a copy of the Accusation No. 876-A, Statement to Respondent,

Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is:

133 East Bonita Avenue, #202
San Dimas, CA 91773.

A copy of the Accusation is attached as exhibit A, and is incorporated herein by reference.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

5. 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.

6. 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. 876-A.

7. 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.

8. 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 evidence on file herein, finds that the allegations in Accusation No. 876-A are true.

9. The total cost for investigation and enforcement in connection with the Accusation are $2,762.50 as of July 14, 2010.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Gerald E. Ronnebeck has subjected his Civil Engineer License No. C42853 to discipline.

2. A copy of the Accusation is attached.

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

4. 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:

a. Commission of Fraud, Deceit and Misrepresentation in violation of Business and Professions Code section 6775, subdivision (b);

b. Impersonating the Seal of a Professional Engineer in violation of Business and Professions Code section 8792, subdivision (e);

c. Practicing Land Surveying without Authorization in violation of Business and Professions Code section 8792, subdivision (a);

d. Negligence and/or Incompetence in the preparation and submission of plans in violation of Business and Professions Code section 6775, subdivision (c);

e. Misrepresentations and/or Unprofessional Conduct in violation of Business and Professions Code section 6775, subdivision (g) and California Code of Regulations, Title 16, section 475, subdivisions (c)(4), (c)(8), (c)(9), (c)(11) and (e)(2); and

f. Attempting to File as his own a Survey Under the License of a Land Surveyor in violation of Business and Professions Code section 8792, subdivision (c).

ORDER

IT IS SO ORDERED that Civil Engineer License No. C42853, heretofore issued to Respondent Gerald E. Ronnebeck, 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

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vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

Pursuant to Business and Professions Code section 6780, Respondent may petition for reinstatement of the revoked license not less than three (3) years from the effective date of this decision.

This Decision shall become effective on September 10, 2010.

IT IS SO ORDERED August 11, 2010.

Original Signed

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

Exhibit A
Accusation No. 876-A

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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: **GERALD E. RONNEBECK** **133 East Bonita Avenue, #202** **San Dimas, CA 91773** **Civil Engineer License No. C 42853** Respondent.	Case No. 876-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 August 21, 1987, the Board for Professional Engineers and Land Surveyors issued Civil Engineer License Number C 42853 to Gerald E. Ronnebeck (Respondent). The Civil Engineer License was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2010, unless 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 8790 states that:

"The board shall enforce all of the provisions of this chapter and cause the prosecution of all violations coming to its notice."

5. Section 6785 states that:

"The board shall have the power, duty, and authority to investigate violations of the provisions of this chapter."

6. Section 118, subdivision (b), 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.

7. Section 125.3 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.

STATUTORY PROVISIONS

8. Section 8792 of the Code states, in pertinent part:

"Every person is guilty of a misdemeanor:

"(a) Who, unless he or she is exempt from licensing under this chapter, practices, or offers to practice, land surveying in this state without legal authorization.

"(b) Who presents as his or her own the license of a professional land surveyor unless he or she is the person named on the license.

"(c) Who attempts to file as his or her own any record or survey under the license of a professional land surveyor.

. . . .

"(e) Who impersonates or uses the seal of a professional land surveyor.

"(g) Who represents himself or herself as, or uses the title of, professional land surveyor, or any other title whereby that person could be considered as practicing or offering to practice land surveying, unless he or she is correspondingly qualified by licensure as a land surveyor under this chapter."

. . .

"(j) Who violates any provision of this chapter."

9. Section 6775(b) of the Code states, in pertinent part:

"The board may receive and investigate complaints against registered professional 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 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.

"(g) Who in the course of the practice of professional engineering has been found guilty by the board of having violated a rule or regulation of unprofessional conduct adopted by the board.

"(h) Who violates any provision of this chapter."

10. Section 6731 provides that civil engineers registered prior to January 1, 1982 shall be authorized to practice land surveying.

11. Section 6731.2 states in pertinent part that:

"Any civil engineer may offer to practice, procure, and offer to procure, land surveying work incidental to his or her civil engineering practice, even though he or she is not authorized to perform that work, provided all the land surveying work is performed by, or at the direction of, a licensed land surveyor or registered civil engineer authorized to practice land surveying. . . . "

12. Section 6787, subdivision (j), provides that it is a misdemeanor to violate any provisions of the Professional Engineers Act, as set forth in Business and Professions Code section 6700 et seq.

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REGULATORY PROVISIONS

13. California Code of Regulations, Title 16, section 475, the Code of Professional Conduct for Professional Engineers, states, in pertinent part:

"(c) Representations:

. . . .

"(4) A licensee shall not misrepresent nor permit the misrepresentation of his or her professional qualifications, or affiliations or the affiliations or purposes of the institutions, organizations, or other businesses with which he or she is associated.

. . . .

"(8) A licensee shall attribute proper credit to others for their professional work or professional contribution and shall not misappropriate the professional work of others.

"(9) A licensee shall not knowingly permit the publication or use of his or her data, reports, plans, or other professional documents for unlawful purposes.

. . . .

"(11) A licensee shall not misrepresent data and/or its relative significance in any professional engineering report.

. . . .

"(e) Document Submittal:

. . . .

"(2) A licensee shall not misrepresent the completeness of the professional documents he or she prepared to his or her client or to other involved parties."

FIRST CAUSE FOR DISCIPLINE

(Commission of Fraud, Deceit, and Misrepresentation)

14. Respondent is subject to disciplinary action under section 6775(b) in that Respondent engaged in acts that constitute deceit, misrepresentation and/or fraud in his practice. The circumstances are set forth as follows:

a. In 2003, Parcel Map 15907 (PM 15907), was filed with the city of Montclair under the title name of Jerry Ronnebeck Engineering. PM 15907 contained the purported signature of Boyd L. Schneiderwent, Professional Land Surveyor (Schneiderwent). While performing records research, Schneiderwent found PM15097 containing his purported signature. Schneiderwent subsequently submitted a complaint to the Board stating that the signature and seal on those documents was not genuine, stating that did not conduct any field survey in connection with PM 15907 and stating that he did not participate or have knowledge of the preparation of PM 15907. Schneiderwent's purported seal on PM 15907 misspelled his name as "Schniederwent." The seal and signature Schneiderwent submitted to the Board in his complaint contains his properly spelled name and a markedly different signature. Schneiderwent had previously worked with Respondent on other matters, but had terminated his relationship at least one year prior to this incident and had no involvement with this project involving PM 15907.

b. Respondent was never licensed to perform Licensed Land Surveyor work. Respondent is licensed only as Civil Engineer and does not qualify for any exceptions to the land surveying requirements as he was not licensed until 1987. PM 15907 involved the subdivision of land.

SECOND CAUSE FOR DISCIPLINE

(Impersonating the Seal of a Professional Engineer)

15. Respondent is subject to disciplinary action under section 8792(e) in that Respondent impersonated and/or used the seal of a professional land surveyor. Complainant refers to and incorporates all the allegations set forth in paragraph 14, subparagraphs (a) and (b) inclusive, above, as though set forth fully.

THIRD CAUSE FOR DISCIPLINE

(Practicing Land Surveying without Authorization)

16. Respondent is subject to disciplinary action under section 8792(a) in that Respondent offered to practice land surveying in California without authorization. Complainant refers to and incorporates all the allegations set forth in paragraph 14, subparagraphs (a) and (b) inclusive, above, as though set forth fully.

FOURTH CAUSE FOR DISCIPLINE

(Negligence and/or Incompetence)

17. Respondent is subject to disciplinary action under section 6775, subdivision (c) of the Code, in that he was negligent and/or incompetent in the preparation and submission of plans that were not properly approved by a land surveyor and that contained false signature and seals purportedly from a land surveyor. Complainant refers to and incorporates all the allegations set forth in paragraph 14, subparagraphs (a) and (b) inclusive, above, as though set forth fully.

FIFTH CAUSE FOR DISCIPLINE

(Misrepresentations and/or Unprofessional Conduct)

20. Respondent is subject to disciplinary action under Code section 6775(g) for violating the Professional Engineering Code of Conduct as set forth in California Code of Regulations, Title 16, section 475 subdivisions (c)(4), (c)(8), (c)(9), (c)(11), and (e)(2). Respondent violated these provisions by misrepresenting his professional qualifications, or affiliations or the affiliations or purposes of the institutions, organizations, or other businesses with which he is associated; he misappropriated the professional work of another; by knowingly permitting the use of his data, reports, plans, or other professional documents for unlawful purposes; by misrepresenting the data and/or its relative significance in any professional engineering report; and by misrepresenting the completeness of the professional documents he prepared to his or her client or to other involved parties. Complainant refers to and incorporates all the allegations set forth in paragraph 14, subparagraphs (a) and (b) inclusive, above, as though set forth fully.

SIXTH CAUSE FOR DISCIPLINE

(Attempting to File as his own a Survey Under the License of a Land Surveyor)

21. Respondent is subject to disciplinary action under Code section 8792(c), in that Respondent attempted to file as his own a record and/or survey under the license of a professional land surveyor. Complainant refers to and incorporates all the allegations set forth in paragraph 14, subparagraphs (a) and (b) inclusive, above, as though set forth fully.

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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 C42853, issued to Gerald E. Ronnebeck;

2. Ordering Gerald E. Ronnebeck 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: 2/17/10

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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