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

In the Matter of the Accusation against:	)	
	)	
WILLIAM CHUAN SHEN	)	Case No. 925-A
5341 La Madera Avenue	)	
El Monte, CA 91732	)	
	)	
Civil Engineer License No. C 27460,	)	
	)	
Respondent.	)	
	)	

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted by the Board for Professional Engineers, Land Surveyors, and Geologists as its Decision in the above-entitled matter.

This Decision shall become effective on July 12, 2013.

IT IS SO ORDERED June 13, 2013.

Original Signed

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

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

In the Matter of the Accusation Against: **WILLIAM CHUAN SHEN** **5341 La Madera Avenue** **El Monte, CA 91732** **Civil Engineer License No. C 27460** Respondent.	Case No. 925-A OAH No. 2012100806 **STIPULATED SURRENDER OF LICENSE AND ORDER**

In the interest of a prompt and speedy resolution of this matter, consistent with the public interest and the responsibility of the Board for Professional Engineers, Land Surveyors, and Geologists of the Department of Consumer Affairs the parties hereby agree to the following Stipulated Surrender of License and Order which will be submitted to the Board for approval and adoption as the final disposition of the Accusation.

PARTIES

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

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2. William Chuan Shen (Respondent) is represented in this proceeding by attorney Susan Barilich, whose address is 555 West 5th Street, 31st Floor, Los Angeles, CA 90013.

3. On or about November 10, 1976, the Board for Professional Engineers, Land Surveyors, and Geologists issued Civil Engineer License No. C 27460 to William Chuan Shen (Respondent). The Civil Engineer License was in full force and effect at all times relevant to the charges brought in Accusation No. 925-A and will expire on June 30, 2013, unless renewed.

JURISDICTION

4. Accusation No. 925-A was filed before the Board for Professional Engineers, Land Surveyors, and Geologists (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on April 21, 2010. Respondent timely filed his Notice of Defense contesting the Accusation. The Second Amended Accusation was filed on May 17, 2011. A copy of the Second Amended Accusation is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Second Amended Accusation No. 925-A. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and 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.

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CULPABILITY

8. Respondent understands that the charges and allegations in Accusation No. 925-A, if proven at a hearing, constitute cause for imposing discipline upon his Civil Engineer License.

9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation and that those charges constitute cause for discipline. Respondent hereby gives up his right to contest that cause for discipline exists based on those charges.

10. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Civil Engineer License without further process.

11. Respondent further understands the Board will issue to Respondent a new Civil Engineer License that will not include an authorization to practice land surveying on the effective date of this decision.

CONTINGENCY

12. This stipulation shall be subject to approval by the Board for Professional Engineers, Land Surveyors, and Geologists. Respondent understands and agrees that counsel for Complainant and the staff of the Board for Professional Engineers, Land Surveyors, and Geologists may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

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

14. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

15. In exchange for the foregoing admissions and stipulations, the Board will waive reimbursement of its costs of investigation and prosecution in this matter.

16. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Civil Engineer License No. C 27460, issued to Respondent William Chuan Shen, is surrendered and accepted by the Board for Professional Engineers, Land Surveyors, and Geologists.

1. Respondent hereby freely and voluntarily surrenders his Civil Engineer License Number C 27460, to the Board. The Board will issue to Respondent, on the effective date of this decision, a new Civil Engineer License that will not include an authorization to practice land surveying.

2. This voluntary surrender shall be deemed a disciplinary action which shall become a part of Respondent's license history with the Board.

3. Respondent shall cause to be delivered to the Board the pocket identification cards and wall certificate for the surrendered license on or before the effective date of the decision of the Board adopting this stipulation. The Board shall not issue the new license until the pocket identification cards and wall certificate for the surrendered license are received by the Board.

4. Respondent shall not petition for reinstatement of his surrendered license. If Respondent ever wants to practice land surveying in California, he must apply for licensure as a Land Surveyor and must comply with all the laws, regulations and procedures for licensure in effect at the time the application is filed, including but not limited to submitting a completed

application and the requisite fee and taking and passing the required examination(s). All of the charges and allegations contained in Accusation No. 925-A shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Susan Barilich. I understand the stipulation and the effect it will have on my Civil Engineer License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board for Professional Engineers, Land Surveyors, and Geologists.

DATED: APRIL 19, 2013

Original Signed
WILLIAM CHUAN SHEN
Respondent

I have read and fully discussed with Respondent William Chuan Shen the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: April 19, 2013

Original Signed
SUSAN BARILICH
Attorney for Respondent

ENDORSEMENT

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

Dated: 4/23/13

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

Second Amended Accusation No. 925-A

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Attorneys for Complainant

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

In the Matter of the Accusation Against**:** **WILLIAM CHUAN SHEN** **5341 La Madera Avenue** **El Monte, CA 91732** **Civil Engineer License No. C 27460** Respondent.	Case No. 925-A **SECOND AMENDED ACCUSATION**

Complainant alleges:

PARTIES

1. Joanne Arnold (Complainant) brings this Second Amended Accusation solely in her official capacity as the Interim Executive Officer of the Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs.

2. On or about November 10, 1976, the Board for Professional Engineers, Land Surveyors, and Geologists issued Civil Engineer License Number C 27460 to William Chuan Shen (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, 2011, unless renewed.

/ / /

JURISDICTION

3. This Accusation is brought before the Board for Professional Engineers, Land Surveyors, and Geologists (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 8780 of the Code states, in pertinent part:

> [T]he 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.
>
> . . . .
>
> (h) A violation in the course of the practice of land surveying of a rule or regulation of unprofessional conduct adopted by the board.

5. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender or cancellation 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.

STATUTORY PROVISIONS

6. Section 8703 of the Code states:

"The phrase "responsible charge of work" means the independent control and direction, by the use of initiative, skill, and independent judgment, of the observations, measurements, and descriptions involved in land surveying work. The phrase does not refer to the concept of financial liability."

/ / /

7. Section 8761 (d) of the Code states:

"(d) All final maps, plats, reports, descriptions, or other land surveying documents issued by a licensed land surveyor or civil engineer authorized to practice land surveying shall bear the signature and seal or stamp of the licensee and the date of signing and sealing or stamping. If the land surveying document has multiple pages or sheets, the signature, seal or stamp, and date of signing and sealing or stamping shall appear, at a minimum, on the title sheet, cover sheet or page, or signature sheet, unless otherwise required by law."

8. Section 8762 of the Code states, in pertinent part:

> (a) Except as provided in subdivision (b), after making a field survey in conformity with the practice of land surveying, the licensed surveyor or licensed civil engineer may file with the county surveyor in the county in which the field survey was made, a record of the survey.
>
> (b) Notwithstanding subdivision (a), after making a field survey in conformity with the practice of land surveying, the licensed land surveyor or licensed civil engineer shall file with the county surveyor in the county in which the field survey was made a record of the survey relating to land boundaries or property lines, if the field survey discloses any of the following:
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> . . . .
>
> (2) A material discrepancy with the information contained in any subdivision map, official map, or record of survey previously recorded or filed in the office of the county recorder or the county surveying department, or any map or survey record maintained by the Bureau of Land Management of the United States. For purposes of this subdivision, a "material discrepancy" is limited to a material discrepancy in the position of points or lines, or in dimensions.
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> . . . .
>
> (4) The establishment of one or more points or lines not shown on any subdivision map, official map, or record of survey, the positions of which are not ascertainable from an inspection of the subdivision map, official map, or record survey.
>
> (5) The points or lines set during the performance of a field survey of any parcel described in any deed or other instrument of title recorded in the county recorder's office are not shown on any subdivision map, official map, or record of survey.
>
> (c) The record of survey required to be filed pursuant to this section shall be filed within 90 days after the setting of boundary monuments during the performance of a field survey or within 90 days after completion of a field survey, whichever occurs first.
>
> . . . .

9. Section 8765 of the Code states, in pertinent part:

"A record of survey is not required of any survey:

". . . .

"(d) When the survey is a retracement of lines shown on a subdivision map, official map, or a record of survey, where no material discrepancies with those records are found and sufficient monumentation is found to establish the precise location of property corners thereon, provided that a corner record is filed for any property corners which are set or reset or found to be of a different character than indicated by prior records. For purposes of this subdivision, a "material discrepancy" is limited to a material discrepancy in the position of points or lines, or in dimensions.

". . . ."

10. Section 8772 of the Code states, in pertinent part:

> Any monument set by a licensed land surveyor or registered civil engineer to mark or reference a point on a property or land line shall be permanently and visibly marked or tagged with the certificate number of the surveyor or civil engineer setting it, each number to be preceeded by the letters "L.S." or "R.C.E.," respectively, as the case may be or, if the monument is set by a public agency, it shall be marked with the name of the agency and the political subdivision it serves.
>
> Nothing in this section shall prevent the inclusion of other information on the tag which will assist in the tracing or location of the survey records which relate to the tagged monument.

11. Section 8773.2 of the Code states, in pertinent part:

> (a) A "corner record" submitted to the county surveyor or engineer shall be examined by him or her for compliance with subdivision (d) of Section 8765 and Sections 8773, 8773.1, and 8773.4, endorsed with a statement of his or her examination, and filed with the county surveyor or returned to the submitting party within 20 working days after receipt.
>
> (b) In the event the submitted "corner record" fails to comply with the examination criteria of subdivision (a), the county surveyor or engineer shall return it to the person who submitted it together with a written statement of the changes necessary to make it conform to the requirements of subdivision (a). The licensed land surveyor or licensed civil engineer submitting the corner record may then make the agreed changes in compliance with subdivision (a) and note those matters that cannot be agreed upon in accordance with the provisions of subdivision (c), and shall resubmit the corner record within 60 days, or within the time as may be mutually agreed upon by the licensed land surveyor or licensed civil engineer and the county surveyor, to the county surveyor for filing pursuant

to subdivision (c) . The county surveyor or engineer shall file the corner record within 10 working days after receipt of the resubmission.

. . . .

12. California Government Code section 66434 states, in pertinent part:

The final map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, shall be based upon a survey, and shall conform to all of the following provisions:

. . . .

(c) All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing on the map shall be shown, including bearings and distances of straight lines, and radii and arc length or chord bearings and length for all curves, and any information that may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish the subdivision boundaries.

REGULATORY PROVISIONS

13. California Code of Regulations, title 16, (CCR) section 404.2 states, in pertinent part:

(a) The term "responsible charge" directly relates to the extent of control a licensed land surveyor or civil engineer legally authorized to practice land surveying (hereinafter referred to as "legally authorized civil engineer") is required to maintain while exercising independent control and direction of land surveying work or services and the land surveying decisions which can be made only by a licensed land surveyor or legally authorized civil engineer.

(1) Extent of Control. The extent of control necessary to be in responsible charge shall be such that the land surveyor or legally authorized civil engineer:

(A) Makes or review and approves the land surveying decisions defined and described in subdivision (a)(2) below.

(B) In making or reviewing and approving the land surveying decisions, determines the applicability of survey criteria and technical recommendations provided by others before incorporating such criteria or recommendations.

(2) Land Surveying Decisions. The term "responsible charge" relates to land surveying decisions within the purview of the Professional Land Surveyors' Act.

Land surveying decisions which must be made by and are the responsibility of the land surveyor or legally authorized civil engineer in responsible charge are those decisions concerning permanent or temporary work which could create a hazard to life, health, property, or public welfare, and may include, but are not limited to:

(A) Selecting the methods, procedures, and tolerances of field work.

(B) Determining calculation and adjustment methods.

(C) Determining and specifying the information to be shown on maps or documents furnished in connection with land surveying services, including the format of the information and the format of the maps or documents.

(D) The decisions related to the preparation of maps, plats, land surveying reports, descriptions, and other land surveying documents furnished in connection with the land surveying services.

(E) Reviewing the sufficiency and accuracy of the work product.

(3) Reviewing and Approving Land Surveying Decisions. In making or reviewing and approving land surveying decisions, the land surveyor or legally authorized civil engineer shall be physically present or shall review and approve through the use of communication devices the land surveying decisions prior to their implementation.

(b) Responsible Charge Criteria. In order to evaluate whether a person authorized to practice land surveying is in responsible charge, the following must be considered: The land surveyor or legally authorized civil engineer who signs surveying documents must be capable of answering questions asked by licensees of the Board who are fully competent and proficient by education and experience in the field or fields of professional land surveying relevant to the project. These questions would be relevant to the decisions made during the individual's participation in the project, and in sufficient detail to leave little question as to the land surveyor's or legally authorized civil engineer's technical knowledge of the work performed. It is not necessary to defend decisions as in an adversarial situation, but only to demonstrate that the individual in responsible charge made, or reviewed and approved, them and possessed sufficient knowledge of the project to make, or review and approve, them.

Examples of questions to be answered by the land surveyor or legally authorized civil engineer could relate to criteria for measurement, surveying methods, analysis, and conclusions made including, but not limited to, the retracement of government surveys, interpretation and construction of deed descriptions, conflicts between construction drawings and actual conditions, determination of the proper control datum and epoch, application of proportion methods, and analysis of evidence related to written and unwritten property rights. The individual shall be able to clearly express the extent of control and how it is exercised and to demonstrate that the land surveyor or legally authorized civil engineer is answerable within said extent of control.

. . . .

14. CCR, section 464 states, in pertinent part:

. . . .

(b) A corner record shall be filed for each public land survey corner which is found, reset, or used as control in any survey by a land surveyor or a civil engineer. Exceptions to this rule are identified in Section 8773.4 of the Code.

(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.

. . . .

15. CCR, section 476 states, in pertinent part:

> To protect and safeguard the health, safety, welfare, and property of the public, every person who is licensed by the Board as a professional land surveyor or professional civil engineer legally authorized to practice land surveying, including licensees employed in any manner by a governmental entity or in private practice, shall comply with this Code of Professional Conduct. A violation of this Code of Professional Conduct in the practice of professional land surveying constitutes unprofessional conduct and is grounds for disciplinary action pursuant to Section 8780 of the Code. This Code of Professional Conduct shall be used for the sole purpose of investigating complaints and making findings thereon under Section 8780 of the Code.
>
> (a) Compliance with Laws Applicable to a Project:
>
> A licensee shall provide professional services for a project in a manner that is consistent with the laws, codes, ordinances, rules, and regulations applicable to that project. A licensee may obtain and rely upon the advice of other professionals (e.g., architects, attorneys, professional engineers, professional land surveyors, and other qualified persons) as to the intent and meaning of such laws, codes, and regulations.
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> . . . .
>
> (c) Representations:
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> . . . .
>
> (11) A licensee shall not misrepresent data and/or its relative significance in any professional land surveying report.
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> . . . .
>
> (e) Document Submittal:
>
> (1) A licensee shall not misrepresent the completeness of the professional documents he or she submits to a governmental agency.
>
> . . . .

COST RECOVERY

16. 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.

CITY OF RIVERSIDE TRACT 34532

17. In or about November of 2006, Respondent, a licensed civil engineer authorized to practice land surveying under Business and Professions Code section 6731, submitted to the City of Riverside, a final map for Tract 34532 (First Submittal). The First Submittal was deficient in

that Respondent misidentified every monument on the map. Many monuments no longer existed at the time Respondent's survey occurred.

18. Respondent made additional errors in the First Submittal in that he showed property boundary lines that vary from the record, he did not indicate descriptively or graphically why or how these lines were established, and he placed two easements along the wrong boundary line.

19. Respondent's First Submittal lacked a basis of bearings and several record dimensions. It also failed to adequately describe the methodology used to determine the placement of various lines and points.

CITY OF RIVERSIDE TRACT 32606

20. In or about January of 2006, Respondent submitted to the City of Riverside a final map for Tract 32606. The map was rejected by the City of Riverside because it failed to meet minimum standards in terms of required content and basic drafting.

21. The plan sheets for Tract 32606 went through eight reviews by the City of Riverside before they were finally approved. Respondent failed to make the corrections requested by the City on numerous occasions, or made corrections improperly, leading to further review and additional correction requests.

FIRST CAUSE FOR DISCIPLINE

(Negligence in the Practice of Land Surveying)

22. Respondent is subject to disciplinary action under Code section 8780 (b) in that he was negligent in his practice of land surveying regarding City of Riverside Tracts 34532 and 32606, as set forth in paragraphs 17-21 above, which are incorporated by reference herein.

23. In particular, the maps prepared by Respondent did not meet the standard of care for a licensed civil engineer authorized to practice land surveying in that they contained a number of errors and deficiencies that required multiple changes to the plans. These errors and deficiencies include but are not limited to the following:

a. Failed to properly identify and locate monuments in the plans.

b. Failed to properly perform the work in preparing the plans.

c. Failed to properly supervise the work of subordinates in preparing the plans.

d. Failed to properly process and respond to comments from the City of Riverside for corrections to the plans.

e. Failed to properly follow published standards with respect to map preparation.

f. Used non-standard methods of re-establishing lines.

SECOND CAUSE FOR DISCIPLINE

(Failure to Provide Sufficient and Correct Information)

24. Respondent is subject to disciplinary action under Code section 8780 (d) in conjunction with California Government Code section 66434 (c) in that Respondent failed to provide sufficient and correct information to allow another surveyor to retrace exterior and interior boundary lines regarding City of Riverside Tracts 34532 and 32606, as set forth in paragraphs 17-21 above, which are incorporated by reference herein.

THIRD CAUSE FOR DISCIPLINE

(Violations of the Code of Professional Conduct)

25. Respondent is subject to disciplinary action under Code section 8780 (h) for violations of the Code of Professional Conduct set forth in CCR, section 476, regarding the maps Respondent prepared for City of Riverside Tracts 34532 and 32606, as set forth in paragraphs 17-21 above, which are incorporated by reference herein.

26. Respondent acted unprofessionally in the preparation of the maps as follows:

a. Respondent failed to comply with the state and local laws applicable to his projects. Several sets of review comments and special accommodations were required to bring the plans into compliance, in violation of CCR 476 (a).

b. Respondent misrepresented data in his First Submittal on Tract 34532 with respect to the existence and/or the nature of the monuments and with respect to representation of data, in violation of CCR 476 (c)(11).

c. Respondent's submittals of final maps were repeatedly incomplete, in violation of CCR 476 (e)(1).

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MASTERS CIRCLE PROPERTY

27. In or about January of 2007, Respondent, conducted a survey and prepared a Corner Record for lot 10 on Masters Circle in Tract 6508 in Orange County, California. However, the Corner Record was not submitted to Orange County Surveyor's office until May of 2008, over 16 months later. The County determined that the Corner Record was incomplete and contained errors, and requested Respondent re-submit the Corner Record. The second submission was also incomplete and contained errors. The County then requested that Respondent submit a Record of Survey for his work. The Record of Survey did not agree with the earlier filed Corner Records or with the Tract Map.

28. Respondent failed to exercise independent control and direction of the work performed on this project. He did not show initiative or independent judgment in the preparation and approval of the plans submitted. In particular, Respondent's continuing changes and corrections to the Corner Record and the Record of Survey indicate material differences between the data shown on the Tract Map and the field measurements.

FOURTH CAUSE FOR DISCIPLINE

(Negligence in the Practice of Land Surveying)

29. Respondent is subject to disciplinary action under Code section 8780 (b) in that Respondent was negligent and/or incompetent in his practice of land surveying regarding lot 10 on Masters Circle in Tract 6508 in Orange County, California, as set forth in paragraphs 27 and 28 above, which are incorporated by reference herein.

30. In particular, the plans prepared by Respondent did not meet the standard of care for a licensed civil engineer authorized to practice land surveying in that they contained a number of errors and deficiencies that required multiple changes to the plans. These errors and deficiencies include but are not limited to the following:

a. An unacceptable proposed solution of resolving excess distance by increasing the right of way width.

b. The monuments described as being on the property line produced a northeasterly line, but were described as being to the north and west.

c. The second Corner Record identified a chiseled cross as a monument that was not indicated on the first Corner Record.

FIFTH CAUSE FOR DISCIPLINE

(Failure to Maintain Responsible Charge)

31. Respondent is subject to disciplinary action under Code section 8780 (h) for violation of CCR, section 404.2 in that he failed to demonstrate responsible charge in his practice of land surveying regarding lot 10 on Masters Circle in Tract 6508 in Orange County, California, as set forth in paragraphs 27 and 28 above, which are incorporated by reference herein.

SIXTH CAUSE FOR DISCIPLINE

(Failure to File a Timely Corner Record)

32. Respondent is subject to disciplinary action under Code section 8780 (h) for violation of CCR, section 464 (c) in that he failed to file the Corner Record within 90 days of his survey of lot 10 on Masters Circle in Tract 6508 in Orange County, California, as set forth in paragraphs 27 and 28 above, which are incorporated by reference herein.

LIN PROJECT

33. In May 2005, licensed Civil Engineer, Jack C. Lee (Lee), as principal of Cal Land Engineering, Inc., was retained by an architect at P. J. Design Square to perform engineering work on a vacant lot in Temple City, California on behalf of the owner W. Lin, a dentist. The property was to be developed as a dental office. Lee agreed to prepare a soils report, furnish a topographic and boundary survey, prepare grading, drainage and erosion control plans and a street improvement plan.

34. Lee hired Respondent, William Shen to perform the boundary survey. Respondent completed the survey by May 26, 2005 and placed his own survey monuments on three of the project's corners.

35. In January of 2008 Lee again contacted Respondent regarding a problem with the construction of a block wall on the property. Respondent was hired to conduct a boundary survey and locate the newly constructed walls along the north and west property lines. Respondent drew

a cut sheet dated February 3, 2008 that indicated the as built walls were skewed away from the north and west property lines by over 2.2 feet.

36. Respondent's only involvement with the Lin Project were the surveys he performed in May of 2005 and January of 2008.

37. The documents provided by Respondent for the work he performed on the project are, for the most part, incomplete, undated, unsigned, missing seals and contain numerous discrepancies and errors.

38. Following the completion of his survey in May of 2005 and the placement of his corner monuments, Respondent failed to file a corner record or record of survey with the County of Los Angeles. In November of 2009, over four years later and after the Board had begun the investigation in this matter and contacted Respondent, he filed a corner record in which he stated that he had conducted the survey on August 29, 2009 instead of May of 2005. The 2009 corner record was returned to Respondent for corrections. The corrected corner record has never been re-submitted to the County of Los Angeles.

SEVENTH CAUSE FOR DISCIPLINE

(Deceit and Misrepresentation in the Practice of Land Surveying)

39. Respondent is subject to disciplinary action under Code section 8780 (a) in that Respondent was deceitful and misrepresented the facts in his practice of land surveying regarding the Lin project in Temple City, California, as set forth in paragraphs 33 through 38 above, which are incorporated by reference herein.

40. In particular, the corner record prepared by Respondent and submitted to the County of Los Angeles indicated that he had conducted his survey on August 29, 2009 when in fact the survey had been conducted in May of 2005.

EIGHTH CAUSE FOR DISCIPLINE

(Negligence in the Practice of Land Surveying)

41. Respondent is subject to disciplinary action under Code section 8780 (b) in that Respondent was negligent and/or incompetent in his practice of land surveying regarding the Lin

project in Temple City, California, as set forth in paragraphs 33 through 38 above, which are incorporated by reference herein.

42. In particular, the maps prepared by Respondent did not meet the standard of care for a licensed civil engineer authorized to practice land surveying in that they contained a number of errors and deficiencies that required multiple changes to the plans. These errors and deficiencies include but are not limited to the following:

a. Failed to properly identify and locate monuments in the plans.

b. Failed to properly perform the work in preparing the plans.

c. Failed to properly supervise the work of subordinates in preparing the plans.

d. Failed to properly process and respond to comments from the County of Los Angeles for corrections to the plans.

e. Failed to maintain proper field notes of the work performed.

f. Bearings and distances are not in agreement with the record parcel map.

NINTH CAUSE FOR DISCIPLINE

(Failure to Maintain Responsible Charge)

43. Respondent is subject to disciplinary action under Code section 8780 (d) for violation of Code section 8703 in that he failed to demonstrate responsible charge in his practice of land surveying regarding the Lin project in Temple City, California, as set forth in paragraphs 33 through 38 above, which are incorporated by reference herein.

TENTH CAUSE FOR DISCIPLINE

(Failure to Include Name, License Number, Stamp or Signature on a Survey Map)

44. Respondent is subject to disciplinary action under Code section 8780 (d) for violation of Code section 8761 (d) in that in the preparation of the survey maps he failed to include the necessary data required by the Code in his practice of land surveying regarding the Lin project in Temple City, California, as set forth in paragraphs 33 through 38 above, which are incorporated by reference herein.

45. In particular, the missing items included Respondent's name, license number, signature, stamp, seal, and date of signing.

ELEVENTH CAUSE FOR DISCIPLINE

(Failure to File a Timely Record of Survey)

46. Respondent is subject to disciplinary action under Code section 8780 (d) for violation of Code section 8762 (b) (2), (5) and (c) in that he failed to file the record of survey within 90 days of his survey of the Lin project in Temple City, California, as set forth in paragraphs 33 through 38 above, which are incorporated by reference herein.

TWELVETH CAUSE FOR DISCIPLINE

(Failure to File a Timely Corner Record)

47. Respondent is subject to disciplinary action under Code section 8780 (d) for violation of Code section 8765 (d) in that he failed to file the Corner Record within 90 days of his setting monuments at the Lin project in Temple City, California, as set forth in paragraphs 33 through 38 above, which are incorporated by reference herein.

THIRTEENTH CAUSE FOR DISCIPLINE

(Failure to Properly Tag a Monument)

48. Respondent is subject to disciplinary action under Code section 8780 (d) for violation of Code section 8772 in that he failed to properly tag a corner monument at the Lin project in Temple City, California, as set forth in paragraphs 33 through 38 above, which are incorporated by reference herein.

FOURTEENTH CAUSE FOR DISCIPLINE

(Failure to Re-Submit a Timely Corner Record)

49. Respondent is subject to disciplinary action under Code section 8780 (d) for violation of Code section 8773.2 (b) in that he failed to re-submit the Corner Record within 60 days after the County of Los Angeles returned it to him for corrections for the Lin project in Temple City, California, as set forth in paragraphs 33 through 38 above, which are incorporated by reference herein.

SOTO STREET PROPERTY

50. In August 2006, licensed Civil Engineer, Jack C. Lee (Lee), as principal of Cal Land Engineering, Inc., was retained by East L.A. Community Association to perform an American

Land Title Association (ALTA) survey of a vacant lot located at 137-139 North Soto Street in the City of Los Angeles, California. The property was to be developed as multi-residential housing, either as apartments or condominiums.

51. Lee hired Respondent, William Shen, to perform the ALTA survey. Respondent performed the survey on or about August 15, 2006 and prepared an ALTA survey. He presented the Alta survey to Mr. Lee.

52. The survey provided by Respondent for the work he performed on the project is incomplete, and contains numerous discrepancies and errors.

53. Following the completion of his survey in August of 2006, Respondent failed to file a record of survey with the County of Los Angeles.

FIFTEENTH CAUSE FOR DISCIPLINE

(Negligence/Incompetence in the Practice of Land Surveying)

54. Respondent is subject to disciplinary action under Code section 8780 (b) in that Respondent was negligent and/or incompetent in his practice of land surveying regarding the Soto Street property in Los Angeles, California, as set forth in paragraphs 50 through 53 above, which are incorporated by reference herein.

55. In particular, the survey prepared by Respondent did not meet the standard of care for a licensed civil engineer authorized to practice land surveying in that it contained a number of errors and deficiencies. These errors and deficiencies include but are not limited to the following:

a. Failed to properly identify and locate existing monuments in the survey.

b. Failed to provide a graphic scale in preparing the survey.

c. Failed to properly identify evidence of access to adjoining streets in preparing the survey.

d. Failed to indicate on the Survey map, the titles and recording information of filed maps, the names of adjoining owners and the recorded lot numbers.

e. Failed to maintain proper field notes of the work performed.

f. Failed to indicate on the Survey map, the entire limits of lots 15, 16, 17 and 18.

g. Failed to use adequate survey control to establish property lines.

h. Failed to indicate the location and the relationship of monuments beyond the surveyed premises on which the corners of the surveyed premises are dependant.

i. Failed to indicate the location and the extent of encroachments.

j. Failed to indicate the location of utility poles and facilities within ten feet of the subject property.

k. The survey contained dimensional errors, irrelevant information and contradictory information.

SIXTEENTH CAUSE FOR DISCIPLINE

(Failure to File a Record of Survey)

56. Respondent is subject to disciplinary action under Code section 8780 (d) for violation of Code section 8762 (b) (2) and (4) in that he failed to file the record of survey of the Soto Street property in Los Angeles, California, as set forth in paragraphs 50 through 53 above, which are incorporated by reference herein.

57. A Record of Survey should have been filed since Respondent's survey revealed material discrepancies and he established property lines not shown on any record map.

SEVENTEENTH CAUSE FOR DISCIPLINE

(Failure to File a Timely Record of Survey)

58. Respondent is subject to disciplinary action under Code section 8780 (d) for violation of Code section 8762 (b) (2), (4) and (c) in that he failed to file the record of survey within 90 days of his survey of the Soto Street property in Los Angeles, California, as set forth in paragraphs 50 through 53 above, which are incorporated by reference herein.

DISCIPLINARY CONSIDERATIONS

59. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that on or about January 12, 2001, in a prior disciplinary action entitled "In the Matter of the Accusation Against William Chuan Shen" before the Board for Professional Engineers and Land Surveyors, in Case Number 677-A, Respondent's license was suspended for two years with the suspension stayed and Respondent was placed on probation for three years

with certain terms and conditions for a breach of contract in his professional land surveying. That decision is now final.

PRAYER

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

1. Revoking or suspending Civil Engineer License Number C 27460, issued to William Chuan Shen.

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

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

DATED: 5/17/11

Original Signed

JOANNE ARNOLD
Interim Executive Officer
Board for Professional Engineers, Land Surveyors, and Geologists
Department of Consumer Affairs
State of California
Complainant

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