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

In the Matter of the Accusation Against:

Land Surveyor License No. L 3397

LOUIS ZEHFUSS

23872 Corte Emerado Murrieta, CA 92562 Case No. 814-A

OAH No.

Respondent.

## **DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board for Professional Engineers and Land Surveyors, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on December 19, 2008. It is so ORDERED Y Jourenter 20, 2008.

Original Signed

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

1	EDMUND G. BROWN JR., Attorney General of the State of California KAREN B. CHAPPELLE					
2						
3	Supervising Deputy Attorney General RENE JUDKIEWICZ, State Bar No. 141773 Deputy Attorney General					
4	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013					
5	Telephone: (213) 897-2537 Facsimile: (213) 897-2804					
6	Attorneys for Complainant					
7	BEFORE THE					
8	BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA					
10	In the Matter of the Accusation Against: Case No. 814-A					
11	LOUIS ZEHFUSS OAH No.					
12	23872 Corte Emerado					
13	Murrieta, CA 92562STIPULATED SURRENDER OFLand Surveyor License No. L 3397LICENSE AND ORDER					
14	Respondent.					
15						
16	IT IS HEREBY STIPULATED AND AGREED by and between the parties in this					
17	proceeding that the following matters are true:					
18	PARTIES					
19	1. Cindi Christenson, P.E. (Complainant) is the Executive Officer of the					
20	Board for Professional Engineers and Land Surveyors (Board). She brought this action solely in					
21	her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General					
22	of the State of California, by Rene Judkiewicz, Deputy Attorney General.					
23	2. Louis Zehfuss (Respondent) is representing himself in this proceeding and					
24	has chosen not to exercise his right to be represented by counsel.					
25	3. On or about April 20, 1967, the Board issued Land Surveyor License No.					
26	L 3397 to Respondent. The license was in full force and effect at all times relevant to the					
27	charges brought in Accusation No. 814-A and will expire on June 30, 2010, unless renewed.					
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1	JURISDICTION	
2	4. Accusation No. 814-A was filed before the Board, Department of	
3	Consumer Affairs, and is currently pending against Respondent. The Accusation and all other	
4	statutorily required documents were properly served on Respondent on July 14, 2008.	
5	Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation	
6	No. 814-A is attached as exhibit A and incorporated herein by reference.	
7	ADVISEMENT AND WAIVERS	
8	5. Respondent has carefully read, and understands the charges and allegations	
9	in Accusation No. 814-A. Respondent also has carefully read, and understands the effects of	
10	this Stipulated Surrender of License and Order.	
11	6. Respondent is fully aware of his legal rights in this matter, including the	
12	2 right to a hearing on the charges and allegations in the Accusation; the right to be represented by	
13	counsel, at his own expense; the right to confront and cross-examine the witnesses against him;	
14	the right to present evidence and to testify on his own behalf; the right to the issuance of	
15	subpoenas to compel the attendance of witnesses and the production of documents; the right to	
16	reconsideration and court review of an adverse decision; and all other rights accorded by the	
17	California Administrative Procedure Act and other applicable laws.	
18	7. Respondent voluntarily, knowingly, and intelligently waives and gives up	
19	each and every right set forth above.	
20	CULPABILITY	
21	8. Respondent admits the truth of each and every charge and allegation in	
22	Accusation No. 814-A, agrees that cause exists for discipline and hereby surrenders his Land	
23	Surveyor License No. L 3397 for the Board's formal acceptance.	
24	9. Respondent understands that by signing this stipulation, he enables the	
25	Board to issue an order accepting the surrender of his Land Surveyor License without further	
26	process.	
27	CONTINGENCY	
28	10. This stipulation shall be subject to approval by the Board. Respondent	
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understands and agrees that counsel for Complainant and the staff of the Board may 1 2 communicate directly with the Board regarding this stipulation and surrender, without notice to 3 or participation by Respondent. 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 4 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and 5 Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for 6 7 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. 8 9 11. 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 10 11 and effect as the originals. 12 12. 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 13 14 following Order: 15 ORDER 16 IT IS HEREBY ORDERED that Land Surveyor License No. L 3397, issued to Respondent Louis Zehfuss, is surrendered and accepted by the Board. 17 The surrender of Respondent's Land Surveyor License and the acceptance 18 13. of the surrendered license by the Board shall constitute the imposition of discipline against 19 Respondent. This stipulation constitutes a record of the discipline and shall become a part of 20 Respondent's license history with the Board. 21 22 14. Respondent shall lose all rights and privileges as a Land Surveyor in California as of the effective date of the Board's Decision and Order. 23 15. Respondent shall cause to be delivered to the Board both his wall license 24 25 certificate and pocket identification cards for his license on or before the effective date of the 26 Decision and Order. Respondent understands and agrees not to petition for reinstatement of the 27 16. surrendered license. Respondent further understands and agreed that if he ever applies for any 28

1	license issued by the Board, the Board shall treat it as a new application for licensure.
2	Respondent must comply with all the laws, regulations and procedures for licensure in effect at
3	the time the application or petition is filed, including but not limited to submitting a completed
4	application and the requisite fee and taking and passing the required examination(s). Respondent
5	further understands and agrees that all of the charges and allegations contained in Accusation
6	No. 814-A shall be deemed to be true, correct and admitted by Respondent when the Board
7	determines whether to grant or deny the application or petition.
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11	ACCEPTANCE
12	I have carefully read the Stipulated Surrender of License and Order. I understand
13	the stipulation and the effect it will have on my Land Surveyor License. I enter into this
14	Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
15	be bound by the Decision and Order of the Board for Professional Engineers and Land Surveyors.
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17	DATED: 10-7-08
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19	Orígínal Sígned Louis Zehfass
20	Respondent
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1	ENDORSEMENT				
2	The foregoing Stipulated Surrender of License and Order is hereby respectfully				
3	submitted for consideration by the Board for Professional Engineers and Land Surveyors of the				
4	Department of Consumer Affairs.				
5	7				
6	DATED: 10/21/08				
7		EDMUND G. BROWN JR., Attorney General of the State of California			
8 9		KAREN B. CHAPPELLE Supervising Deputy Attorney General			
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11		Orígínal Sígned			
12		RENE JUDKIEWICZ Deputy Attorney General			
13		Attorneys for Complainant			
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## Exhibit A

Accusation No. 814-A

1	EDMUND G. BROWN JR., Attorney General				
2	of the State of California KAREN B. CHAPPELLE				
3	Supervising Deputy Attorney General RENE JUDKIEWICZ, State Bar No. 141773				
4	Deputy Attorney General 300 So. Spring Street, Suite 1702				
50	Los Angeles, CA 90013				
5	Telephone: (213) 897-2537 Facsimile: (213) 897-2804				
6	Attorneys for Complainant				
7	BEFORE THE				
. 8	BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS DEPARTMENT OF CONSUMER AFFAIRS				
9	STATE OF CALIFORNIA				
10					
11	In the Matter of the Accusation Against: Case No. 814-A				
12	LOUIS ZEHFUSS 23872 Corte Emerado A C C U S A T I O N				
13	Murrieta, CA 92562 Land Surveyor License No. L 3397				
14	Respondent.				
15					
16	Complainant alleges:				
17	PARTIES				
18	1. Cindi Christenson, P.E. (Complainant) brings this Accusation solely in her				
19	official capacity as the Executive Officer of the Board for Professional Engineers and Land				
20	Surveyors (Board), Department of Consumer Affairs.				
20	2. On or about April 20, 1967, the Board issued Land Surveyor License				
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<ul> <li>and effect at all times relevant to the charges brought herein and will expire on June 30, 20 10</li> <li>unless renewed.</li> </ul>					
				25 JURISDICTION	
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27	27 following laws. All section references are to the Business and Professions Code unless otherwise				
28	indicated.				

- 5.	
1	4. Section 118, subdivision (b), of the Code provides that the
2	suspension/expiration/surrender/cancellation of a license shall not deprive the Board of
3	jurisdiction to proceed with a disciplinary action during the period within which the license may
4	be renewed, restored, reissued or reinstated.
5	5. Section 8762 of the Code states in pertinent part:
6	
7	"(b) [A]fter making a field survey in conformity with the practice of land
8	surveying, the licensed land surveyor shall file with the county surveyor in the
9	county in which the field survey was made a record of the survey relating to land
10	boundaries or property lines
11	
12	(c) The record of survey required to be filed pursuant to this section shall be filed
13	within 90 days after the setting of boundary monuments during the performance of
14	a field survey or within 90 days after completion of a field survey, whichever
15	occurs first."
16	6. Section 8780 of the Code states in pertinent part:
17	"By a majority vote, the board may revoke the license of any licensed land
18	surveyor licensed under this chapter or registered under the provisions of Chapter 7
19	(commencing with Section 6700), whom it finds to be guilty of:
20	
21	"(b) Any negligence or incompetence in his or her practice of land surveying.
22	
23	"(d) Any violation of any provision of this chapter or of any other law relating to
24	or involving the practice of land surveying."
25	7. Section 125.3 of the Code provides in pertinent part that the Board may
26	request the administrative law judge to direct a licentiate found to have committed a violation or
27	violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
28	and enforcement of the case.
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1	FIRST CAUSE FOR DISCIPLINE		
2	(Negligence and/or Incompetence)		
3	8. Respondent is subject to disciplinary action under section 8780,		
4	subdivision (b) of the Code in that Respondent engaged in negligence and/or incompetence in his		
5	practice of land surveying. The circumstances are as follows		
6	a. Sometime prior to 1985, Respondent had a monument set in or		
7	around lots 352 and 353 of Tract No. 798 on Cole Crest Drive in		
8	the city of Los Angeles, for the purpose of establishing a property		
9	boundary, but that Respondent had failed to file a record of survey		
10	with the Los Angeles County Surveyor's Office, in violation of		
11	section 8762 of the Code.		
12			
13	SECOND CAUSE FOR DISCIPLINE		
14	(Failure to File Record of Survey)		
15	9. Respondent is subject to disciplinary action under section 8780,		
16	subdivision (d) in that Respondent violated section 8762 of the Code. Complainant refers to and		
17	by this reference incorporates the allegations set forth in paragraph 8, subparagraph (a) above,		
18	inclusive, as though set forth fully.		
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20	PRAYER		
21	WHEREFORE, Complainant requests that a hearing be held on the matters herein		
22	alleged, and that following the hearing, the Board issue a decision:		
23	1. Revoking Land Surveyor License Number L 3397, issued to Respondent;		
24	2. Ordering Respondent to pay the Board the reasonable costs of the		
25	investigation and enforcement of this case, pursuant to Code section 125.3; and		
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27	111		
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