

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

In the Matter of the Accusation Against:

LOUIS ZEHFUSS
23872 Corte Emerado
Murrieta, CA 92562
Land Surveyor License No. L 3397

Respondent.

Case No. 814-A

OAH No.

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 November 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
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 RENÉ 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
8 **BEFORE THE**
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 814-A

11 LOUIS ZEHFUSS
23872 Corte Emerado
12 Murrieta, CA 92562
Land Surveyor License No. L 3397

OAH No.

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

13
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.

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.

8

9

10

11

ACCEPTANCE

12

13

14

15

16

17

DATED: 10-7-08

18

19

20

21

22

23

24

25

26

27

28

Original Signed

Louis Zehfuss
Respondent

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ENDORSEMENT

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

DATED: 10/21/08

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

KAREN B. CHAPPELLE
Supervising Deputy Attorney General

Original Signed

RENE JUDKIEWICZ
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: LA2008600913
surrender.wpd

Exhibit A
Accusation No. 814-A

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 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
8 **BEFORE THE**
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 814-A

12 LOUIS ZEHFUSS
23872 Corte Emerado
Murrieta, CA 92562
13 Land Surveyor License No. L 3397

A C C U S A T I O N

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.

21 2. On or about April 20, 1967, the Board issued Land Surveyor License
22 Number L 3397 to Louis Zehfuss (Respondent). The Land Surveyor License was in full force
23 and effect at all times relevant to the charges brought herein and will expire on June 30, 2010,
24 unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board under the authority of the
27 following laws. All section references are to the Business and Professions Code unless otherwise
28 indicated.

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.

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.

19
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

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

DATED: 7/14/08

Original Signed

CINDI CHRISTENSON, P.E.
Executive Officer
Board for Professional Engineers and Land Surveyors
Department of Consumer Affairs
State of California
Complainant

LA2008600913
60311599.wpd