

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

In the Matter of the Accusation Against:

Case No. 918-A

PHILIP KIRK MOSLEY
7477 Scenic Drive, #I-13
Wrightwood, CA 92397

Land Surveyor License No. L-3988

Respondent.

DECISION AND ORDER

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

This Decision shall become effective on December 30, 2011.

It is so ORDERED November 18, 2011

Original Signed

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

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 KEVIN J. RIGLEY
Deputy Attorney General
4 State Bar No. 131800
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Attorneys for Complainant
7

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

11 In the Matter of the Accusation Against:

Case No. 918-A

12 **PHILIP KIRK MOSLEY**
13 7477 Scenic Drive, #I-13
14 Wrightwood, CA 92397

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 Land Surveyor License No. L-3988

16
17 Respondent.
18

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
20 proceeding that the following matters are true:

21 PARTIES

22 1. David E. Brown was the Executive Officer of the Board for Professional Engineers,
23 Land Surveyors, and Geologists. He brought this action solely in his official capacity. Joanne
24 Arnold (Complainant) is now the Acting Executive Officer of the Board and is represented in this
25 matter by Kamala D. Harris, Attorney General of the State of California, by Kevin J. Rigley,
26 Deputy Attorney General.

27 2. Philip Kirk Mosley (Respondent) is representing himself in this proceeding and has
28 chosen not to exercise his right to be represented by counsel.

1 3. On or about September 8, 1972, the Board for Professional Engineers, Land
2 Surveyors, and Geologists issued Land Surveyor License No. L-3988 to Philip Kirk Mosley
3 (Respondent). The Land Surveyor License was in full force and effect at all times relevant to the
4 charges brought in Accusation No. 918-A and will expire on June 30, 2012, unless renewed.

5 JURISDICTION

6 4. Accusation No. 918-A (the Accusation) was filed before the Board for Professional
7 Engineers, Land Surveyors, and Geologists (Board), Department of Consumer Affairs, and is
8 currently pending against Respondent. The Accusation and all other statutorily required
9 documents were properly served on Respondent on October 28, 2010. Respondent timely filed
10 his Notice of Defense contesting the Accusation. A copy of Accusation No. 918-A is attached as
11 Exhibit A and incorporated by reference.

12 ADVISEMENT AND WAIVERS

13 5. Respondent has carefully read, and understands the charges and allegations in the
14 Accusation. Respondent also has carefully read, and understands the effects of this Stipulated
15 Surrender of License and Order.

16 6. Respondent is fully aware of his legal rights in this matter, including the right to a
17 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
18 his own expense; the right to confront and cross-examine the witnesses against him; the right to
19 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
20 the attendance of witnesses and the production of documents; the right to reconsideration and
21 court review of an adverse decision; and all other rights accorded by the California
22 Administrative Procedure Act and other applicable laws.

23 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

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1 **ORDER**

2 IT IS HEREBY ORDERED that Land Surveyor License No. L-3988, issued to Respondent
3 Philip Kirk Mosley, is surrendered and accepted by the Board for Professional Engineers, Land
4 Surveyors, and Geologists.

5 14. Respondent hereby freely and voluntarily surrenders his Land Surveyor License,
6 Number L 3988. This voluntary surrender shall be deemed a disciplinary action which shall
7 become part of Respondent's license history with the Board.

8 15. Respondent shall lose all rights and privileges as a land surveyor in California as of
9 the effective date of the Board's Decision and Order adopting this stipulation, including the right
10 to use any of the restricted titles associated with his license.

11 16. Respondent shall cause to be delivered to the Board his pocket license and, if one was
12 issued, his wall certificate on or before the effective date of the Decision and Order adopting this
13 stipulation.

14 17. Respondent agrees not to petition for reinstatement of the surrendered license.
15 Respondent agrees not to apply for any license issued by the Board for three years from the
16 effective date of this surrender of his license. Respondent understands and agrees that if he ever
17 applies for any license issued by the Board, the Board shall treat it as a new application for
18 licensure. Respondent must comply with all the laws, regulations and procedures for licensure in
19 effect at the time the application is filed, including but not limited to submitting a completed
20 application and the requisite fee, and taking and passing the required examination(s), and all of
21 the charges and allegations contained in the Accusation shall be deemed true, correct and
22 admitted by Respondent when the licensing determines whether to grant or deny the application.

23 18. In exchange for agreeing to each and every term of this agreement, the Board will
24 waive reimbursement of its costs of investigation and prosecution in this matter.

25 **ACCEPTANCE**

26 I have carefully read the Stipulated Surrender of License and Order. I understand the
27 stipulation and the effect it will have on my Land Surveyor License. I enter into this Stipulated
28 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound

1 by the Decision and Order of the Board for Professional Engineers, Land Surveyors, and
2 Geologists.

3
4 DATED: 9/21/11 *Original Signed*
5 PHILIP KIRK MOSLEY
6 Respondent

7 ENDORSEMENT

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

11 Dated: 9/21/11 Respectfully submitted,
12
13 KAMALA D. HARRIS
14 Attorney General of California
15 GREGORY J. SALUTE
16 Supervising Deputy Attorney General

17 *Original Signed*
18 KEVIN J. RIGLEY
19 Deputy Attorney General
20 *Attorneys for Complainant*

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22 Stipulation.rtf
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Exhibit A

Accusation No. 918-A

1 EDMUND G. BROWN JR.
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 KEVIN J. RIGLEY
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8 **BEFORE THE**
BOARD FOR PROFESSIONAL ENGINEERS LAND SURVEYORS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 918-A

12 **PHILIP KIRK MOSLEY**
7477 Scenic Drive, #1-13
13 Wrightwood, CA 92397

A C C U S A T I O N

14 Land Surveyor License No. L-3988

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. David E. Brown (Complainant) brings this Accusation solely in his official capacity
20 as the Executive Officer of the Board for Professional Engineers and Land Surveyors.

21 2. On or about September 8, 2010, the Board issued Land Surveyor License Number
22 L-3988 to Philip Kirk Mosley (Respondent). The Land Surveyor License was in full force and
23 effect at all times relevant to the charges brought herein and will expire on June 30, 2012, unless
24 renewed.

25 **JURISDICTION**

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

1 4. Section 118, subdivision (b), provides that the suspension, expiration, surrender, or
2 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
3 action during the period within which the license may be renewed, restored, reissued or
4 reinstated.

5 STATUTORY PROVISIONS

6 5. Section 8761 states, in pertinent part:

7 “(a) Any licensed land surveyor or civil engineer authorized to practice land surveying
8 may practice land surveying and prepare maps, plats, reports, descriptions, or other documentary
9 evidence in connection with that practice.

10 “(b) Interim maps, plats, reports, descriptions, or other land surveying documents shall be
11 prepared by, or under the responsible charge of a licensed land survey or civil engineer authorized
12 to practice land surveying and shall include his or her name and license number.

13 “(c) Interim maps, plats, reports, descriptions, or or other land surveying documents shall
14 include a notation as to the intended purpose of the map, plat, report, description, or other
15 document, such as “preliminary” or “for examination only.”

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

22 6. Section 8762 states, in pertinent part:

23 “(a) Except as provided in subdivision (b), after making a field survey in conformity
24 with the practice of land surveying, the licensed surveyor or licensed civil engineer may file with
25 the county surveyor in the county in which the field survey was made, a record of the survey.

26 “(b) Notwithstanding subdivision (a), after making a field survey in conformity with
27 the practice of land surveying, the licensed land surveyor or licensed civil engineer shall file with
28

1 the county surveyor in the county in which the field survey was made a record of the survey
2 relating to land boundaries or property lines, if the field survey discloses any of the following:

3 “(1) Material evidence or physical change, which in whole or in part does not appear
4 on any subdivision map, official map, or record of survey previously recorded or properly filed in
5 the office of the county recorder or county surveying department, or map or survey record
6 maintained by the Bureau of Land Management of the United States.

7 “(2) A material discrepancy with the information contained in any subdivision map,
8 official map, or record of survey previously recorded or filed in the office of the county recorder
9 or the county surveying department, or any map or survey record maintained by the Bureau of
10 Land Management of the United States. For purposes of this subdivision, a "material
11 discrepancy" is limited to a material discrepancy in the position of points or lines, or in
12 dimensions.

13 “(3) Evidence that, by reasonable analysis, might result in materially alternate
14 positions of lines or points, shown on any subdivision map, official map, or record of survey
15 previously recorded or filed in the office of the county recorder or the county surveying
16 department, or any map or survey record maintained by the Bureau of Land Management of the
17 United States.

18 “(4) The establishment of one or more points or lines not shown on any subdivision
19 map, official map, or record of survey, the positions of which are not ascertainable from an
20 inspection of the subdivision map, official map, or record of survey.

21 “(5) The points or lines set during the performance of a field survey of any parcel
22 described in any deed or other instrument of title recorded in the county recorder's office are not
23 shown on any subdivision map, official map, or record of survey.

24 “(c) The record of survey required to be filed pursuant to this section shall be filed
25 within 90 days after the setting of boundary monuments during the performance of a field survey
26 or within 90 days after completion of a field survey, whichever occurs first.

27 “(d) (1) If the 90-day time limit contained in subdivision (c) cannot be complied with
28 for reasons beyond the control of the licensed land surveyor or licensed civil engineer, the 90-day

1 time period shall be extended until the time at which the reasons for delay are eliminated. If the
2 licensed land surveyor or licensed civil engineer cannot comply with the 90-day time limit, he or
3 she shall, prior to the expiration of the 90-day time limit, provide the county surveyor with a letter
4 stating that he or she is unable to comply. The letter shall provide an estimate of the date for
5 completion of the record of survey, the reasons for the delay, and a general statement as to the
6 location of the survey, including the assessor's parcel number or numbers.

7 “(2) The licensed land surveyor or licensed civil engineer shall not initially be
8 required to provide specific details of the survey. However, if other surveys at the same location
9 are performed by others which may affect or be affected by the survey, the licensed land surveyor
10 or licensed civil engineer shall then provide information requested by the county surveyor without
11 unreasonable delay.

12 “(e) Any record of survey filed with the county surveyor shall, after being examined
13 by him or her, be filed with the county recorder.

14 “(f) If the preparer of the record of survey provides a postage-paid, self-addressed
15 envelope or postcard with the filing of the record of survey, the county recorder shall return the
16 postage-paid, self-addressed envelope or postcard to the preparer of the record of survey with the
17 filing data within 10 days of final filing. For the purposes of this subdivision, "filing data"
18 includes the date, the book or volume, and the page at which the record of survey is filed with the
19 county recorder.”

20 7. Section 8772 states:

21 “Any monument set by a licensed land surveyor or registered civil engineer to mark
22 or reference a point on a property or land line shall be permanently and visibly marked or tagged
23 with the certificate number of the surveyor or civil engineer setting it, each number to be
24 preceded by the letters "L.S." or "R.C.E.," respectively, as the case may be or, if the monument
25 is set by a public agency, it shall be marked with the name of the agency and the political
26 subdivision it serves.

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1 **COST RECOVERY**

2 10. Section 125.3 provides, in pertinent part, that the board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **BOARD COMPLAINT CASE NO. 2006-06-265**

7 11. In September 2003, Respondent performed a survey of APN 0355-1 83-11, aka 1341
8 Irene Street in Wrightwood, California (Wrightwood Parcel). Respondent monumented the lot
9 corners with 1" iron pipes tagged "3988" (Wrightwood Pins). James and Tammy Gucwa (the
10 Gucwas) own an adjoining parcel, known as 1343 Irene Street in Wrightwood. On March 29,
11 2005, James Gucwa (Gucwa) sent a letter to the Joint Professional Practice Committee for
12 Riverside and San Bernardino counties (JPPC), stating that Respondent had failed to file a Record
13 of Survey for his survey of the Wrightwood Parcel. Gucwa alleged deficiencies in Respondent's
14 survey, stating that Respondent's parcel boundaries did not match occupation, nor did they
15 resemble the rectangular parcel shapes of record. Gucwa also stated that property disputes had
16 arisen as a consequence of Respondent's survey of the Wrightwood Parcel and Respondent's
17 subsequent failure to file a corresponding Record of Survey.

18 On or about June 13, 2005, the JPPC sent a letter to Respondent, directing him
19 (Respondent) to file a Record of Survey or Corner Record for the Wrightwood Pins within 90
20 days.

21 On or about July 21, 2005, the JPPC sent another letter to Respondent, reiterating their
22 previous demand that he file a Record of Survey or Corner Record for the Wrightwood Pins
23 within 90 days.

24 On or about August 1, 2005, Respondent sent a letter to the JPPC, stating that he had found
25 monuments at all four corners of the property in question and that as a result thereof, he was of
26 the understanding that he was not required to file a Corner Record or a Record of Survey under
27 such circumstances. Respondent further stated that he lacked the tools to do so. Respondent
28 enclosed a sketch of his Wrightwood Parcel survey. The sketch showed that Respondent had

1 found substandard monuments at the northeast and southeast corners and that he had set his own
2 monuments in their place. The sketch was a Land Surveying document, but it was not signed,
3 stamped and dated by Respondent.

4 On or about September 7, 2005, the JPPC sent a letter to Respondent advising him that a
5 Record of Survey or Corner Record was required to be filed by him relative to the Wrightwood
6 Parcel and that his (Respondent's) lack of drafting tools did not excuse his failure to do so. The
7 JPPC further requested evidence that a Record of Survey had been filed or in the alternative,
8 evidence to the effect that Respondent had provided the County Surveyor with an estimate of time
9 for such filing.

10 On or about October 11, 2005, Respondent's brother sent a letter to the JPPC which stated
11 that Respondent was temporarily incapacitated at that time.

12 On or about January 9, 2006, Respondent went to the San Bernardino County Surveyor's
13 Office, at which time Respondent conducted research and purchased copies of record documents.

14 On or about January 24, 2006, Respondent opened Charge Account No. 567 with the San
15 Bernardino County Surveyor's Office in order to obtain copies of recorded maps from the County.
16 On January 30, 2006, Respondent used this account.

17 On on or about February 21, 2006, Joseph Miller (Miller), a land surveyor licensed in the
18 State of California (Land Surveying Certificate No. L5803), sent a fax to the JPPC which
19 included a sketch that Respondent had prepared. The sketch depicted a survey of APN 437-36 1-
20 77. The sketch showed monuments at the four property corners. One of them had the following
21 notation: "DENOTES 1/2" RE-BAR SET WITHIN ONE INCH OF CORNERS - UNLESS
22 NOTED OTHERWISE." The sketch was a Land Surveying document, but it was not signed,
23 stamped and dated by Respondent. Miller's letter of February 21, 2006 further suggested that
24 Respondent should have filed a Record of Survey, but had failed to do so.

25 On or about March 4, 2006, Craig Sundgren (Sundgren), a civil engineer licensed in the
26 State of California (Civil Engineering Certificate No. C23227), sent a letter to the JPPC which
27 included a sketch that Respondent had prepared. The sketch depicted a survey of APN 450-163-
28 08. The sketch showed monuments at the four property corners. One of them had the following

1 notation: "DENOTES 1/2" RE-BAR WITHIN ONE INCH OF CORNERS". The sketch was a
2 land surveying document, but it was not signed, stamped and dated by Respondent. Sundgren
3 stated that Respondent had also failed to tag his monuments with his Land Surveyor license
4 number. Sundgren further expressed that Respondent should have filed a Record of Survey, but
5 had failed to do so.

6 On or about May 26, 2006, the JPPC filed a complaint with the Board regarding
7 Respondent and the aforementioned chronology of events involving him (Respondent).

8 On or about June 19, 2006, Board Enforcement Analyst Tiffany Criswell (Criswell) sent
9 Respondent a letter advising him of the allegations in the complaint that had been filed against
10 him by the JPPC and requested that Respondent provide a response to those allegations by July
11 20, 2006.

12 On or about July 17, 2006, Criswell received a letter dated July 14, 2006 from Respondent,
13 wherein Respondent advised that he would file a Record of Survey for the Wrightwood Parcel
14 upon renewal of his license. With regard to the property identified (by Skinner above) as APN
15 450-163-08, Respondent stated in his letter dated July 14, 2006 that "the points set were for
16 fencing corners and the owner was told to keep any fences a minimum of 2" inside them. The
17 points are not nor were they represented as being property corners. I acknowledge that I should
18 have included a statement to clarify this on the sketch I provided the owner." Respondent further
19 stated in that same letter that he "was planning on retiring in 2008".

20 On or about August 28, 2006, Criswell sent Respondent a letter confirming that Respondent
21 had failed to file Records of Survey relative to the aforementioned properties and instructing him
22 to do so by September 28, 2006.

23 On October 17, 2006, Respondent faxed a letter to the Board stating that he (Respondent)
24 previously had been unable to respond to Criswell's August 28, 2006 letter due to his ongoing
25 health problems. Respondent further stated that he had closed his business and would be
26 terminating his telephone service in connection therewith at the end of that month. Respondent
27 ended the letter by stating said that he still believed that he "was legally entitled to set fence line
28 survey points without filing a map".

1 On December 15, 2006, the JPPC sent another letter to the Board, stating that Respondent
2 had not filed a Corner Record with the county since February of 2006 or a Record of Survey since
3 August of 2000.

4 On or about September 22, 2008, Board Enforcement Analyst Criswell provided documents
5 in connection with the aforementioned chronology of events involving Respondent to
6 independent Technical Expert Patrick Minturn (Minturn), a civil engineer and land surveyor
7 licensed in the State of California. Criswell requested that Minturn review these documents and
8 thereafter provide the Board with his written opinion as to whether there are sufficient facts and
9 evidence to support the allegation that Respondent had committed acts which constitute violations
10 of the Professional Land Surveyors' Act.

11 On or about October 9, 2008, Board Enforcement Analyst Criswell received a written
12 report from Minturn dated October 6, 2008 in connection with the instant matter involving
13 Respondent. In this report, Minturn opined that Respondent was required to file a Record of
14 Survey or Corner Record within ninety (90) days of setting monuments in regard to the subject
15 properties in question; that Respondent had failed to tag his monuments as required; and that
16 Respondent's map had failed to contain Respondent's signature, stamp, and date of signing.
17 According to Minturn, all of these actions by Respondent constituted negligence on the part of
18 Respondent in connection with his (Respondent's) land surveying practice.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Negligence - Failure to Include on Survey Map Signature, Stamp and Date of Signing)**

21 12. Respondent is subject to disciplinary action under sections 8761 and 8780 in that
22 Respondent failed to include his signature, stamp and date of signing on land surveying
23 documents he prepared. Complainant refers to and hereby incorporates paragraph 11 above as
24 though fully set forth herein.

25 **SECOND CAUSE FOR DISCIPLINE**

26 **(Negligence - Failure to File a Record of Survey within Ninety Days of Setting Monuments)**

27 13. Respondent is subject to disciplinary action under sections 8762 and 8780, and Code
28 of Regulations, title 16, section 464, in that Respondent failed to file a Record of Survey or

1 Corner Record within ninety (90) days after monumenting property boundaries on multiple
2 surveys he (Respondent) conducted. Complainant refers to and hereby incorporates paragraph 11
3 above as though fully set forth herein.

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Negligence - Failure to Tag Monuments with License Number)**

6 14. Respondent is subject to disciplinary action under sections 8772 and 8780 in that
7 Respondent failed to tag his monuments with his Land Surveyor license number in connection
8 with the survey of APN 450-163-08 conducted by Respondent. Complainant refers to and
9 hereby incorporates paragraph 11 above as though fully set forth herein.

10 **BOARD COMPLAINT CASE NO. 2007-06-293**

11 15. The Sisters of Social Service of Los Angeles (Sisters) owns APN 0355-061-71
12 (Sisters Parcel). The Sisters Parcel is on the west side of Acorn Drive, near Wrightwood,
13 California. It is in Sections 7 and 8, T3N, R7W, S.B.M. In 1946, Sisters purchased the Sisters
14 Parcel from Security First National Bank of Los Angeles, for \$10. The Grant Deed contained a
15 metes-and-bounds legal description.

16 In October 2001, Respondent surveyed the Sisters Parcel (Mosley Survey) after Sisters had
17 provided him (Respondent) with the Grant Deed. Respondent surveyed the parcel and resolved
18 the boundary. Respondent monumented the property corners with 1/2 rebar tagged "LS 3988"
19 (Mosley Pins). However, Respondent failed to file a Record of Survey for his survey, as required.

20 In November 2006, Miller performed a boundary survey for the SE 1/4 Section 7 and a part
21 of the SW 1/4 Section 8, T3N, R7W, S.B.M (Miller Survey). Miller performed an exhaustive
22 records search and found record maps (P.M. 14589, P.M.B. 193/49-50) which showed the courses
23 and distances per the Sisters Parcel legal description; Miller rotated these bearings 0°03'06"
24 clockwise to match his Basis of Bearings. Miller also performed a field survey and found the
25 Mosley Pins, at which point Miller determined that the spatial relationships of the Mosley Pins
26 were reasonably internally consistent, but that they were rotated relative to record data. Miller's
27 Record of Survey indicates that the Mosley Pins are all approximately three feet out of position in
28 a northerly and/or westerly direction relative to record data, and there is no indication that

1 Respondent conducted any records search in connection with this project (the Mosley Survey).
2 According to Minturn, who reviewed the underlying facts, circumstances and documentation in
3 regard to the Mosley Survey at the Board's request, Respondent's failure to mount a diligent
4 records search and his (Respondent's) failure to file a Record of Survey or Corner Record
5 constituted negligence on the part of Respondent in connection with his (Respondent's) land
6 surveying practice. .

7 **FOURTH CAUSE FOR DISCIPLINE**

8 **(Negligence - Failure to File a Record of Survey within Ninety Days of Setting Monuments)**

9 16. Respondent is subject to disciplinary action under sections 8762 and 8780, and Code
10 of Regulations, title 16, section 464, in that Respondent failed to file a Record of Survey or
11 Corner Record within ninety (90) days after monumenting property boundaries in connection
12 with the Mosley Survey. Complainant refers to and hereby incorporates paragraph 15 above as
13 though fully set forth herein.

14 **FIFTH CAUSE FOR DISCIPLINE**

15 **(Negligence – Failure to Mount a Diligent Records Search for Survey)**

16 17. Respondent is subject to disciplinary action under section 8780, in that Respondent
17 failed to mount a diligent records search in connection with the Mosley Survey. Complainant
18 refers to and hereby incorporates paragraph 15 above as though fully set forth herein.

19 **PRAYER**

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
21 and that following the hearing, the Board issue a decision:

- 22 1. Revoking or suspending Land Surveyor License Number L-3988, issued to Philip
23 Kirk Mosley;
- 24 2. Ordering Philip Kirk Mosley to pay the Board the reasonable costs of the
25 investigation and enforcement of this case, pursuant to Business and Professions Code section
26 125.3;

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

DATED: August 19 2010

Original Signed ✓

DAVID E. BROWN
Executive Officer
Board for Professional Engineers and Land Surveyors
State of California
Complainant

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