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

11 In the Matter of the Accusation Against:

Case No. 979-A

12 **JONATHAN KOESTERS BLAKE**  
13 **1739 Red Barn Road**  
14 **Encinitas, CA 92024**

**DEFAULT DECISION AND ORDER**

**Land Surveyor License No. L 4368**

[Gov. Code, §11520]

Respondent.

15 FINDINGS OF FACT

16 1. On or about April 8, 2011, Complainant Joanne Arnold, in her official capacity as the  
17 Acting Executive Officer of the Board for Professional Engineers, Land Surveyors, and  
18 Geologists, Department of Consumer Affairs, filed Accusation No. 979-A against Jonathan  
19 Koesters Blake (Respondent) before the Board for Professional Engineers, Land Surveyors, and  
20 Geologists. (Accusation attached as Exhibit A.)

21 2. On or about March 9, 1977, the Board for Professional Engineers, Land Surveyors,  
22 and Geologists (Board) issued Land Surveyor License No. L 4368 to Respondent. The Land  
23 Surveyor License expired on September 30, 2009, and has not been renewed.

24 3. On or about April 28, 2011, Respondent was served by Certified Mail and First Class  
25 Mail copies of Accusation No. 979-A, Statement to Respondent, Notice of Defense, Request for  
26 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
27 Respondent's address of record which, pursuant to Business and Professions Code section 136, is  
28

1 required to be reported and maintained with the Board, which was and is: 1739 Red Barn Road,  
2 Encinitas, CA 92024.

3 3. Service of the Accusation was effective as a matter of law under the provisions of  
4 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
5 124.

6 4. Government Code section 11506 states, in pertinent part:

7 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
8 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
9 of the accusation not expressly admitted. Failure to file a notice of defense shall  
10 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
11 may nevertheless grant a hearing.

12 5. Respondent failed to file a Notice of Defense within 15 days after service upon him  
13 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
14 979-A.

15 6. California Government Code section 11520 states, in pertinent part:

16 (a) If the respondent either fails to file a notice of defense or to appear at the  
17 hearing, the agency may take action based upon the respondent's express admissions  
18 or upon other evidence and affidavits may be used as evidence without any notice to  
19 respondent.

20 7. Pursuant to its authority under Government Code section 11520, the Board finds  
21 Respondent is in default. The Board will take action without further hearing and, based on the  
22 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
23 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
24 file at the Board's offices regarding the allegations contained in Accusation No. 979-A, finds that  
25 the charges and allegations in Accusation No. 979-A, are separately and severally, found to be  
26 true and correct by clear and convincing evidence.

27 8. Taking official notice of its own internal records, pursuant to Business and  
28 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
and Enforcement is \$1,677.50 as of June 24, 2011.

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1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Jonathan Koesters Blake has  
3 subjected his Land Surveyor License No. L 4368 to discipline.

4 2. The agency has jurisdiction to adjudicate this case by default.

5 3. The Board for Professional Engineers, Land Surveyors, and Geologists is authorized  
6 to revoke Respondent's Land Surveyor License based upon the following violations alleged in the  
7 Accusation which are supported by the evidence contained in the Default Decision Evidence  
8 Packet in this case:

9 a. Violation of Business and Professions Code sections 8780(d) and 8767 for violating  
10 California Code of Regulations, title 16, section 473.3(b), for failing to comply with the Orders of  
11 Abatement in Citation Orders 5168-L, 5169-L, 5170-L, 5171-L, and 5172-L, by failing to re-  
12 submit the records of survey within 60 days as required to the County of San Diego.

13 ORDER

14 IT IS SO ORDERED that Land Surveyor License No. L 4368, heretofore issued to  
15 Respondent Jonathan Koesters Blake, is revoked.

16 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
17 written motion requesting that the Decision be vacated and stating the grounds relied on within  
18 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
19 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

20 This Decision shall become effective on October 4, 2011.

21 It is so ORDERED September 8, 2011

22  
23 *Original Signed*  
24 ~~FOR THE BOARD FOR PROFESSIONAL~~  
25 ~~ENGINEERS, LAND SURVEYORS, AND~~  
26 ~~GEOLOGISTS~~  
27 DEPARTMENT OF CONSUMER AFFAIRS

28 DOJ Matter ID:SD2011800063

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 DAVID E. HAUSFELD  
Deputy Attorney General  
4 State Bar No. 110639  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2025  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 979-A

13 **JONATHAN KOESTERS BLAKE**  
1739 Red Barn Road  
14 Encinitas, CA 92024

**ACCUSATION**

15 **Land Surveyor License No. L 4368**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about March 9, 1977, the Board for Professional Engineers, Land Surveyors,  
24 and Geologists issued Land Surveyor License Number L 4368 to Jonathan Koesters Blake  
25 (Respondent). The Land Surveyor License expired on September 30, 2009, and has not been  
26 renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board for Professional Engineers, Land  
3 Surveyors, and Geologists (Board), Department of Consumer Affairs, under the authority of the  
4 following laws. All section references are to the Business and Professions Code unless otherwise  
5 indicated.

6 4. Section 8780 of the Code states:

7 "The board may reprove, suspend for a period not to exceed two years, or revoke the  
8 license or certificate of any licensed land surveyor or registered civil engineer, respectively,  
9 licensed under this chapter or registered under the provisions of Chapter 7 (commencing with  
10 Section 6700), whom it finds to be guilty of:

11 "....

12 "(d) Any violation of any provision of this chapter or of any other law relating to or  
13 involving the practice of land surveying.

14 "...."

15 5. Section 118, subdivision (b), of the Code provides that the suspension, expiration,  
16 surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
17 disciplinary action during the period within which the license may be renewed, restored, reissued  
18 or reinstated.

19 **STATUTORY PROVISIONS**

20 6. Section 8767 of the Code states, in pertinent part:

21 If the county surveyor finds that the record of survey complies with the  
22 examination in Section 8766, the county surveyor shall endorse a statement on it  
23 of his or her examination, and shall present it to the county recorder for filing.  
24 Otherwise the county surveyor shall return it to the person who presented it,  
25 together with a written statement of the changes necessary to make it conform to  
26 the requirements of Section 8766. The licensed land surveyor or registered civil  
27 engineer submitting the record of survey may then make the agreed changes and  
28 note those matters which cannot be agreed upon in accordance with the provisions  
of Section 8768 and shall resubmit the record of survey within 60 days, or within  
the time as may be mutually agreed upon by the licensed surveyor or registered  
engineer and the county surveyor, to the county surveyor for filing pursuant to  
Section 8768.

1 **REGULATORY PROVISIONS**

2 7. 16 California Code of Regulations, (CCR) section 473.3 states, in pertinent part:

3 “(a) If a cited person who has been issued an order of abatement is unable to complete the  
4 correction within the time set forth in the citation because of conditions beyond his/her control  
5 after the exercise of reasonable diligence, then he/she may request from the Executive Officer an  
6 extension of time within which to complete the correction. Such a request shall be in writing and  
7 shall be made within the time set forth for abatement.

8 “(b) Failure of the cited person to abate the violation or to pay the fine within the time  
9 allowed is grounds for suspension or revocation of the cited person's license.

10 “....”

11 **COST RECOVERY**

12 8. Section 125.3 of the Code provides, in pertinent part, that the board may request the  
13 administrative law judge to direct a licentiate found to have committed a violation or violations of  
14 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
15 enforcement of the case.

16 **CITATION HISTORY**

17 9. On June 22, 2005, five separate Citation Orders were issued against Respondent. The  
18 Citation Orders were numbered 5168-L, 5169-L, 5170-L, 5171-L and 5172-L. Each Citation  
19 Order was issued for violations of Business and Professions Code section 8780, subdivisions (b)  
20 and (d), and section 8767 due to Respondent's failure to re-submit records of survey to the County  
21 of San Diego after they were returned for corrections. Each Citation Order contained an order of  
22 abatement for Respondent to cease and desist from violating the Code sections and to file the  
23 records of survey within sixty days. Each Citation Order also contained an order to pay an  
24 administrative fine of \$500.00 for each Citation.

25 10. Respondent paid the total administrative fine of \$2,500.00 on October 1, 2008, when  
26 he renewed his license. Respondent has never complied with the order of abatement. The  
27 records of survey have never been re-submitted to the County of San Diego.

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1 **CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Citations)**

3 11. Respondent's land surveyor license is subject to disciplinary action under Code  
4 sections 8780 (d) and 8767 for violations of CCR section 473.3 (b), for his failure to comply with  
5 the orders of abatement in the Citation Orders, by failing to re-submit the records of survey within  
6 60 days as required, as set forth in paragraphs 9 and 10, which are incorporated by reference  
7 herein. Those Citation Orders are set forth as follows:

8 a. Citation Order 5168-L. Respondent submitted the record of survey of APN  
9 444-264-08 to the County of San Diego on June 3, 1999. The survey was returned to him for  
10 corrections on June 16, 1999. The survey was never re-submitted.

11 b. Citation Order 5169-L. Respondent submitted the record of survey of APN  
12 262-012-28 & 42 and 262-013-01 to the County of San Diego on June 18, 1999. The survey was  
13 returned to him for corrections on July 7, 1999. The survey was never re-submitted.

14 c. Citation Order 5170-L. Respondent submitted the record of survey of APN  
15 134-170-27 to the County of San Diego on March 10, 2000. The survey was returned to him for  
16 corrections on March 31, 2000. The survey was never re-submitted.

17 d. Citation Order 5171-L. Respondent submitted the record of survey of APN  
18 254-230-28 to the County of San Diego on June 30, 2000. The survey was returned to him for  
19 corrections on July 20, 2000. The survey was never re-submitted.

20 e. Citation Order 5172-L. Respondent submitted the record of survey of APN  
21 260-403-27 & 28; 261-062-41 to 43 and 261-072-23 & 24 to the County of San Diego on  
22 May 10, 2001. The survey was returned to him for corrections on May 30, 2001. The survey was  
23 never re-submitted.

24 **PRAYER**

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

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- 1           1.    Revoking or suspending Land Surveyor License Number L 4368, issued to Jonathan
- 2 Koesters Blake;
- 3           2.    Ordering Jonathan Koesters Blake to pay the Board for Professional Engineers, Land
- 4 Surveyors, and Geologists the reasonable costs of the investigation and enforcement of this case,
- 5 pursuant to Business and Professions Code section 125.3;
- 6           3.    Taking such other and further action as deemed necessary and proper.

9           DATED: 4/8/11

*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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