

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

In the Matter of the Accusation against:	)	
	)	
DIRK CORNELIS SLOOTEN	)	Case No. 1083-A
3921 Oak Drive	)	
Clearlake, CA 95422	)	
	)	
Land Surveyor License No. L 5342,	)	
	)	
Respondent.	)	
_____	)	

**DECISION**

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

In adopting this Stipulated Settlement and Disciplinary Order as its Decision, the Board for Professional Engineers, Land Surveyors, and Geologists has reduced or otherwise mitigated the penalty order as follows:

Condition 10 is revised as follows:

Within two and one-half (2 ½) years from the effective date of the decision, the Respondent shall successfully complete and pass one (1) college-level land surveying course, which must be related to the areas of violation alleged in the Accusation. Said course shall be approved in advance by the Board or its designee. The Respondent shall provide the Board with official proof of completion of the requisite course. For the purposes of this condition, "college-level course" means a course offered by a community college or four-year university of three semester units or the equivalent; it does not include seminars.

This Decision shall become effective on 4 March 13, 2015

IT IS SO ORDERED February 10, 2015

*-Original Signed*  
\_\_\_\_\_  
BOARD FOR PROFESSIONAL ENGINEERS,  
LAND SURVEYORS, AND GEOLOGISTS  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 NICHOLAS TSUKAMAKI  
Deputy Attorney General  
4 State Bar No. 253959  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
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E-mail: Nicholas.Tsukamaki@doj.ca.gov  
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

12 **DIRK CORNELIS SLOOTEN**  
13 **3921 Oak Drive**  
14 **Clearlake, CA 95422**  
**Land Surveyor License No. L 5342**

15 Respondent.

Case No. 1083-A

OAH No. 2014090263

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

16  
17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 PARTIES

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

25 2. Respondent Dirk Cornelis Slooten (Respondent) is represented in this proceeding by  
26 attorney Robert F. Hahn, whose address is: Gould & Hahn, 2550 Ninth Street, Suite 101,  
27 Berkeley, CA 94710.

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1           3.     On or about April 22, 1983, the Board issued Land Surveyor License No. L 5342 to  
2 Respondent. The Land Surveyor License was in full force and effect at all times relevant to the  
3 charges brought in Accusation No. 1083-A and will expire on December 31, 2015, unless  
4 renewed.

5   JURISDICTION

6           4.     Accusation No. 1083-A was filed before the Board and is currently pending against  
7 Respondent. The Accusation and all other statutorily required documents were properly served  
8 on Respondent on June 24, 2014. Respondent timely filed his Notice of Defense contesting the  
9 Accusation.

10          5.     A copy of Accusation No. 1083-A is attached as exhibit A and incorporated herein by  
11 reference.

12   ADVISEMENT AND WAIVERS

13          6.     Respondent has carefully read, fully discussed with counsel, and understands the  
14 charges and allegations in Accusation No. 1083-A. Respondent has also carefully read, fully  
15 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
16 Order.

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

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

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1 CULPABILITY

2 9. Respondent understands and agrees that if proven at a hearing, the charges and  
3 allegations in Accusation No. 1083-A constitute cause for disciplining Respondent's Land  
4 Surveyor License.

5 10. Respondent agrees that his Land Surveyor License is subject to discipline and he  
6 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order  
7 below.

8 CONTINGENCY

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

18 12. The parties understand and agree that Portable Document Format (PDF) and facsimile  
19 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format  
20 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

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1           7.    **Examination.** Within 60 days of the effective date of the decision, the Respondent  
2 shall successfully complete and pass the California Laws and Board Rules examination, as  
3 administered by the Board.

4           8.    **Ethics Course.** Within two and one-half (2 ½) years from the effective date of the  
5 decision, the Respondent must successfully complete and pass a course in professional ethics,  
6 approved in advance by the Board or its designee.

7           9.    **Notification.** Within thirty (30) days from the effective date of the decision, the  
8 Respondent shall provide the Board with evidence that he has provided all persons or entities with  
9 whom he has a contractual or employment relationship relating to professional land surveying  
10 services with a copy of the decision and order of the Board and shall provide the Board with the  
11 name and business address of each person or entity required to be so notified. During the period  
12 of probation, the Respondent may be required to provide the same notification to each new person  
13 or entity with whom he has a contractual or employment relationship relating to professional land  
14 surveying services and shall report to the Board the name and address of each person or entity so  
15 notified.

16          10.   **Land Surveying Courses.** Within two and one-half (2 ½) years from the effective  
17 date of the decision, the Respondent shall successfully complete and pass three (3) college-level  
18 land surveying courses, which must be related to the areas of violation alleged in the Accusation.  
19 Said courses shall be approved in advance by the Board or its designee. The Respondent shall  
20 provide the Board with official proof of completion of the requisite courses. For purposes of this  
21 condition, “college-level course” means a course offered by a community college or a four-year  
22 university of three semester units or the equivalent; it does not include seminars.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Robert F. Hahn. I understand the stipulation and the effect it will have on my Land Surveyor License. I enter into this Stipulated Settlement and Disciplinary 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: 1-9-2015 *Original Signed*  
~~DIRK CORNELIS SLOOTEN~~  
Respondent

I have read and fully discussed with Respondent Dirk Cornelis Slooten the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 1-9-2015 *Original Signed*  
ROBERT F. HAHN  
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board for Professional Engineers, Land Surveyors, and Geologists.

Dated: *January 12, 2015*

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
FRANK H. PACOE  
Supervising Deputy Attorney General

*Original Signed*

NICHOLAS TSUKAMAKI  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 1083-A**

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 NICHOLAS TSUKAMAKI  
Deputy Attorney General  
4 State Bar No. 253959  
455 Golden Gate Avenue, Suite 11000  
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E-mail: Nicholas.Tsukamaki@doj.ca.gov  
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:  
13 **DIRK CORNELIS SLOOTEN**  
14 **3921 Oak Drive**  
**Clearlake, CA 95422**  
15 **Land Surveyor License No. L 5342**  
16 Respondent.

Case No. 1083-A

**A C C U S A T I O N**

17  
18 Complainant alleges:

19 **PARTIES**

- 20 1. Richard B. Moore, PLS (Complainant) brings this Accusation solely in his official  
21 capacity as the Executive Officer of the Board for Professional Engineers, Land Surveyors, and  
22 Geologists (Board), Department of Consumer Affairs.  
23 2. On or about April 22, 1983, the Board issued Land Surveyor License Number L 5342  
24 to Dirk Cornelis Slooten (Respondent). The Land Surveyor License was in full force and effect at  
25 all times relevant to the charges brought herein and will expire on December 31, 2015, unless  
26 renewed.

27 ///

1 **JURISDICTION**

2 3. This Accusation is brought before the Board under the authority of the following  
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
4 indicated.

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

9 **STATUTORY PROVISIONS**

10 5. Section 8780 of the Code provides, in pertinent part:

11 “The board may, upon its own initiative or upon the receipt of a complaint, investigate the  
12 actions of any land surveyor licensed under this chapter or any civil engineer licensed under the  
13 provisions of Chapter 7 (commencing with Section 6700) who is legally authorized to practice  
14 land surveying and make findings thereon.

15 “By a majority vote, the board may publicly reprove, suspend for a period not to exceed  
16 two years, or revoke the license or certificate of any land surveyor licensed under this chapter or  
17 civil engineer licensed under the provisions of Chapter 7 (commencing with Section 6700) who is  
18 legally authorized to practice land surveying on any of the following grounds:

19 ...

20 “(b) Any negligence or incompetence in his or her practice of land surveying.

21 ...

22 “(d) Any violation of any provision of this chapter or of any other law relating to or  
23 involving the practice of land surveying.

24 ...”

25 6. Section 8759 of the Code provides, in pertinent part:

26 “(a) A licensed land surveyor or registered civil engineer authorized to practice land  
27 surveying shall use a written contract when contracting to provide professional services to a client  
28 pursuant to this chapter. The written contract shall be executed by the licensed land surveyor or

1 registered civil engineer and the client, or his or her representative, prior to the licensed land  
2 surveyor or registered civil engineer commencing work, unless the client knowingly states in  
3 writing that work may be commenced before the contract is executed. . . .

4 . . .”

5 7. Section 8762 of the Code provides, in pertinent part:

6 “(b) Notwithstanding subdivision (a), after making a field survey in conformity with the  
7 practice of land surveying, the licensed land surveyor or licensed civil engineer shall file with the  
8 county surveyor in the county in which the field survey was made a record of the survey relating  
9 to land boundaries or property lines, if the field survey discloses any of the following:

10 . . .

11 “(4) The location, relocation, establishment, reestablishment, or retracement of one or more  
12 points or lines not shown on any subdivision map, official map, or record of survey, the positions  
13 of which are not ascertainable from an inspection of the subdivision map, official map, or record  
14 of survey.

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

18 “(c) The record of survey required to be filed pursuant to this section shall be filed within  
19 90 days after the setting of boundary monuments during the performance of a field survey or  
20 within 90 days after completion of a field survey, whichever occurs first.

21 . . .”

22 8. Section 8771 of the Code provides, in pertinent part:

23 “(a) Monuments set shall be sufficient in number and durability and efficiently placed so as  
24 not to be readily disturbed, to assure, together with monuments already existing, the perpetuation  
25 or facile reestablishment of any point or line of the survey.

26 . . .”

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1 **COSTS**

2 9. Section 125.3 of the Code 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 **FACTUAL BACKGROUND**

7 **Fort Bragg Project**

8 10. On or about August 20, 2006, Respondent prepared an ALTA/ACSM<sup>1</sup> Land Title  
9 Survey map for a property in Fort Bragg, California.

10 11. Although the survey map that Respondent prepared does show some existing  
11 boundary monuments, it does not show any other evidence found on the ground (e.g., record  
12 monuments, non-record monuments, improvements) that ties directly to the establishment of the  
13 property boundary being surveyed. In addition, the monuments shown on Respondent's survey  
14 map lie in a section of land east of the range line that originally established the Fort Bragg  
15 property Respondent surveyed. These monuments are not adequate to establish the boundary of  
16 the Fort Bragg property.

17 12. A thorough survey of the Fort Bragg property would likely uncover additional  
18 monuments impacting the establishment of the property boundary. Respondent did not attempt to  
19 recover any additional monuments.

20 13. Respondent did not mark the boundary of the Fort Bragg property with sufficient  
21 durable survey monuments.

22 14. In his survey map, Respondent established points and lines not shown on any  
23 subdivision map, official map, or record of survey. Nonetheless, Respondent did not file a record  
24 of survey within ninety (90) days of completing the survey.

25 15. Respondent did not use a written contract for the surveying services he provided to  
26 his client for the Fort Bragg project.

27 <sup>1</sup> ALTA stands for American Land Title Association. ACSM stands for American  
28 Congress for Surveying and Mapping.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Negligence)**

3 16. Respondent is subject to disciplinary action under section 8780, subdivision (b) of the  
4 Code for negligence in that:

5 a. The survey map Respondent prepared for the Fort Bragg property does not show any  
6 evidence found on the ground that ties directly to the establishment of the property boundary  
7 being surveyed.

8 b. The monuments shown on Respondent's survey map are not adequate to establish the  
9 boundary of the Fort Bragg property.

10 c. Respondent did not attempt to recover additional monuments impacting the  
11 establishment of the property boundary.

12 d. Respondent did not mark the boundary of the Fort Bragg property with sufficient  
13 durable survey monuments.

14 e. Respondent failed to file a record of survey within ninety (90) days of completing the  
15 survey for the Fort Bragg project.

16 f. Respondent provided land surveying services without using a written contract.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Incompetence)**

19 17. Respondent is subject to disciplinary action under section 8780, subdivision (b) of the  
20 Code for incompetence in that Respondent failed to demonstrate knowledge of the requirements  
21 for preparing ALTA survey maps and when a record of survey is required to be filed.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Failure to Set Sufficient Durable Monuments)**

24 18. Respondent is subject to disciplinary action under sections 8780, subdivision (d) and  
25 8771, subdivision (a) of the Code in that Respondent did not mark the boundary of the Fort Bragg  
26 property with sufficient durable survey monuments.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Failure to File Record of Survey)**

3 19. Respondent is subject to disciplinary action under sections 8780, subdivision (d) and  
4 8762, subdivisions (b)(4) and (c) of the Code in that Respondent failed to file a record of survey  
5 within ninety (90) days of completing the survey for the Fort Bragg project.

6 **FIFTH CAUSE FOR DISCIPLINE**

7 **(Failure to Use a Written Contract)**

8 20. Respondent is subject to disciplinary action under sections 8780, subdivision (d) and  
9 8759, subdivision (a) of the Code in that Respondent did not use a written contract for the  
10 surveying services he provided to his client for the Fort Bragg project.

11  
12 **Pittsburg Project**

13 21. On or about August 22, 2006, Respondent prepared an ALTA/ACSM Land Title  
14 Survey map for a property in Pittsburg, California.

15 22. The survey map Respondent prepared shows only one existing boundary monument  
16 at a parcel corner and no other evidence found on the ground (e.g., record monuments, non-record  
17 monuments, improvements) that ties directly to the establishment of the property boundary being  
18 surveyed. The monuments shown on the survey map are not adequate to establish the property  
19 boundary.

20 23. A thorough survey of the property would likely uncover additional monuments  
21 impacting the establishment of the property boundary. Respondent did not attempt to recover any  
22 additional monuments.

23 24. Respondent did not mark the boundary of the Pittsburg property with sufficient  
24 durable survey monuments.

25 25. In his survey map, Respondent established points and lines not shown on any  
26 subdivision map, official map, or record of survey. Nonetheless, Respondent did not file a record  
27 of survey within ninety (90) days of completing the survey.

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1           26. Respondent did not use a written contract for the surveying services he provided to  
2 his client for the Pittsburg project.

3   **SIXTH CAUSE FOR DISCIPLINE**

4   **(Negligence)**

5           27. Respondent is subject to disciplinary action under section 8780, subdivision (b) of the  
6 Code for negligence in that:

7           a. The survey map Respondent prepared for the Pittsburg property shows only one  
8 existing boundary monument and no other evidence found on the ground that ties directly to the  
9 establishment of the property boundary being surveyed.

10          b. The monuments shown on Respondent's survey map are not adequate to establish the  
11 property boundary.

12          c. Respondent did not attempt to recover additional monuments impacting the  
13 establishment of the property boundary.

14          d. Respondent did not mark the boundary of the Pittsburg property with sufficient  
15 durable survey monuments.

16          e. Respondent failed to file a record of survey within ninety (90) days of completing the  
17 survey for the Pittsburg project.

18          f. Respondent provided land surveying services without using a written contract.

19   **SEVENTH CAUSE FOR DISCIPLINE**

20   **(Incompetence)**

21          28. Respondent is subject to disciplinary action under section 8780, subdivision (b) of the  
22 Code for incompetence in that Respondent failed to demonstrate knowledge of the requirements  
23 for preparing ALTA survey maps and when a record of survey is required to be filed.

24   **EIGHTH CAUSE FOR DISCIPLINE**

25   **(Failure to Set Sufficient Durable Monuments)**

26          29. Respondent is subject to disciplinary action under sections 8780, subdivision (d) and  
27 8771, subdivision (a) of the Code in that Respondent did not mark the boundary of the Pittsburg  
28 property with sufficient durable survey monuments.



1 **NINTH CAUSE FOR DISCIPLINE**

2 **(Failure to File Record of Survey)**

3 30. Respondent is subject to disciplinary action under sections 8780, subdivision (d) and  
4 8762, subdivisions (b)(4) and (c) of the Code in that Respondent failed to file a record of survey  
5 within ninety (90) days of completing the survey for the Pittsburg project.

6 **TENTH CAUSE FOR DISCIPLINE**

7 **(Failure to Use a Written Contract)**

8 31. Respondent is subject to disciplinary action under sections 8780, subdivision (d) and  
9 8759, subdivision (a) of the Code in that Respondent did not use a written contract for the  
10 surveying services he provided to his client for the Pittsburg project.

11  
12 **Morgan Hill Project**

13 32. On or about August 30, 2004, Respondent prepared an ALTA/ACSM Land Title  
14 Survey map for a property in Morgan Hill, California.

15 33. The survey map that Respondent prepared does not show any evidence found on the  
16 ground (e.g., record monuments, non-record monuments, improvements) that ties directly to the  
17 establishment of the property boundary being surveyed. Also, the monuments shown on  
18 Respondent's survey map are not adequate to establish the property boundary.

19 34. A thorough survey of the property would likely uncover additional monuments  
20 impacting the establishment of the property boundary. Respondent did not attempt to recover any  
21 additional monuments.

22 35. Respondent did not mark the boundary of the property with sufficient durable survey  
23 monuments.

24 36. Respondent did not use a written contract for the surveying services he provided to  
25 his client for the Morgan Hill project.

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1 **ELEVENTH CAUSE FOR DISCIPLINE**

2 **(Negligence)**

3 37. Respondent is subject to disciplinary action under section 8780, subdivision (b) of the  
4 Code for negligence in that:

5 a. The survey map that Respondent prepared does not show any evidence found on the  
6 ground that ties directly to the establishment of the property boundary being surveyed.

7 b. The monuments shown on Respondent's survey map are not adequate to establish the  
8 boundary of the Morgan Hill property.

9 c. Respondent did not attempt to recover additional monuments impacting the  
10 establishment of the property boundary.

11 d. Respondent did not mark the boundary of the Morgan Hill property with sufficient  
12 durable survey monuments.

13 e. Respondent provided land surveying services without using a written contract.

14 **TWELFTH CAUSE FOR DISCIPLINE**

15 **(Failure to Set Sufficient Durable Monuments)**

16 38. Respondent is subject to disciplinary action under sections 8780, subdivision (d) and  
17 8771, subdivision (a) of the Code in that Respondent did not mark the boundary of the Morgan  
18 Hill property with sufficient durable survey monuments.

19 **THIRTEENTH CAUSE FOR DISCIPLINE**

20 **(Failure to Use a Written Contract)**

21 39. Respondent is subject to disciplinary action under sections 8780, subdivision (d) and  
22 8759, subdivision (a) of the Code in that Respondent did not use a written contract for the  
23 surveying services he provided to his client for the Morgan Hill project.

24  
25 **Manteca Project**

26 40. On or about August 30, 2004, Respondent prepared an ALTA/ACSM Land Title  
27 Survey map for a property in Manteca, California.

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1           41. Although the survey map that Respondent prepared does show some existing  
2 boundary monuments, it does not show any other evidence found on the ground (e.g., record  
3 monuments, non-record monuments, improvements) that ties directly to the establishment of the  
4 property boundary being surveyed. Also, the monuments shown on Respondent's survey map are  
5 not adequate to establish the property boundary.

6           42. A thorough survey of the property would likely uncover additional monuments  
7 impacting the establishment of the property boundary. Respondent did not attempt to recover any  
8 additional monuments.

9           43. Respondent did not mark the boundary of the Manteca property with sufficient  
10 durable survey monuments.

11           44. In his survey map, Respondent established points and lines not shown on any  
12 subdivision map, official map, or record of survey. Nonetheless, Respondent did not file a record  
13 of survey within ninety (90) days of completing the survey.

14           45. Respondent did not use a written contract for the surveying services he provided to  
15 his client for the Manteca project.

16                           **FOURTEENTH CAUSE FOR DISCIPLINE**  
17   **(Negligence)**

18           46. Respondent is subject to disciplinary action under section 8780, subdivision (b) of the  
19 Code for negligence in that:

20           a. Other than existing monuments, the survey map Respondent prepared for the Manteca  
21 property does not show any evidence found on the ground that ties directly to the establishment of  
22 the property boundary being surveyed.

23           b. The monuments shown on Respondent's survey map are not adequate to establish the  
24 boundary of the Manteca property.

25           c. Respondent did not attempt to recover additional monuments impacting the  
26 establishment of the property boundary.

27           d. Respondent did not mark the boundary of the Manteca property with sufficient  
28 durable survey monuments.

1 e. Respondent failed to file a record of survey within ninety (90) days of completing the  
2 survey for the Manteca project.

3 f. Respondent provided land surveying services without using a written contract.

4 **FIFTEENTH CAUSE FOR DISCIPLINE**

5 **(Incompetence)**

6 47. Respondent is subject to disciplinary action under section 8780, subdivision (b) of the  
7 Code for incompetence in that Respondent failed to demonstrate knowledge of the requirements  
8 for preparing ALTA survey maps and when a record of survey is required to be filed.

9 **SIXTEENTH CAUSE FOR DISCIPLINE**

10 **(Failure to Set Sufficient Durable Monuments)**

11 48. Respondent is subject to disciplinary action under sections 8780, subdivision (d) and  
12 8771, subdivision (a) of the Code in that Respondent did not mark the boundary of the Manteca  
13 property with sufficient durable survey monuments.

14 **SEVENTEENTH CAUSE FOR DISCIPLINE**

15 **(Failure to File Record of Survey)**

16 49. Respondent is subject to disciplinary action under sections 8780, subdivision (d) and  
17 8762, subdivisions (b)(4) and (c) of the Code in that Respondent failed to file a record of survey  
18 within ninety (90) days of completing the survey for the Manteca project.

19 **EIGHTEENTH CAUSE FOR DISCIPLINE**

20 **(Failure to Use a Written Contract)**

21 50. Respondent is subject to disciplinary action under sections 8780, subdivision (d) and  
22 8759, subdivision (a) of the Code in that Respondent did not use a written contract for the  
23 surveying services he provided to his client for the Manteca project.

24  
25 **Rocklin Project**

26 51. On or about December 10, 2009, Respondent prepared an ALTA/ACSM Land Title  
27 Survey map for a property in Rocklin, California.

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1 52. Respondent's survey involves boundaries revised by a lot line adjustment process that  
2 are not shown on a subdivision map, official map, or record of survey. Under these  
3 circumstances, a surveyor must file a record of survey. Respondent, however, did not file a  
4 record of survey within ninety (90) days of completing the survey.

5 53. Respondent did not use a written contract for the surveying services he provided to  
6 his client for the Rocklin project.

7 **NINETEENTH CAUSE FOR DISCIPLINE**

8 **(Negligence)**

9 54. Respondent is subject to disciplinary action under section 8780, subdivision (b) of the  
10 Code for negligence in that:

11 a. Respondent failed to file a record of survey within ninety (90) days of completing the  
12 survey for the Rocklin project.

13 b. Respondent provided land surveying services without using a written contract.

14 **TWENTIETH CAUSE FOR DISCIPLINE**

15 **(Failure to File Record of Survey)**

16 55. Respondent is subject to disciplinary action under sections 8780, subdivision (d) and  
17 8762, subdivisions (b)(5) and (c) of the Code in that Respondent failed to file a record of survey  
18 within ninety (90) days of completing the survey for the Rocklin project.

19 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

20 **(Failure to Use a Written Contract)**

21 56. Respondent is subject to disciplinary action under sections 8780, subdivision (d) and  
22 8759, subdivision (a) of the Code in that Respondent did not use a written contract for the  
23 surveying services he provided to his client for the Rocklin project.

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1 **PRAYER**

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

- 5 1. Revoking or suspending Land Surveyor License Number L 5342 issued to Dirk  
6 Cornelis Slooten;
- 7 2. Ordering Dirk Cornelis Slooten to pay the Board for Professional Engineers, Land  
8 Surveyors, and Geologists the reasonable costs of the investigation and enforcement of this case  
9 pursuant to Business and Professions Code section 125.3;
- 10 3. Taking such other and further action as deemed necessary and proper.

11  
12 DATED: \_\_\_\_\_

6/17/14

*Original Signed*

13 RICHARD B. MOORE, PLS  
14 Executive Officer  
15 Board for Professional Engineers, Land Surveyors,  
16 and Geologists  
17 Department of Consumer Affairs  
18 State of California  
19 *Complainant*

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