

**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. 975-A

**CURT GEORGE DUNBAR**  
1011 Cedar Street  
Santa Cruz, CA 95060

**Land Surveyor License No. L 5615**

Respondent.

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary 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 5/4/12.

It is so ORDERED 3/29/12.

Original Signed

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

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

KAMALA D. HARRIS  
Attorney General of California  
DIANN SOKOLOFF  
Supervising Deputy Attorney General  
ASPASIA A. PAPAVALASSILIOU  
Deputy Attorney General  
State Bar No. 196360  
1515 Clay Street, 20th Floor  
P.O. Box 70550  
Oakland, CA 94612-0550  
Telephone: (510) 622-2199  
Facsimile: (510) 622-2270  
E-mail: Aspasia.Papavassiliou@doj.ca.gov  
*Attorneys for Complainant*

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

In the Matter of the Accusation Against:  
  
**CURT GEORGE DUNBAR**  
1011 Cedar Street  
Santa Cruz, CA 95060  
  
**Land Surveyor License No. L 5615**  
  
Respondent.

Case No. 975-A  
  
**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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

PARTIES

1. Richard B. Moore, PLS (Complainant) is the Executive Officer of the Board for Professional Engineers, Land Surveyors, and Geologists. He brought this action solely in his official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by Aspasia A. Papavassiliou, Deputy Attorney General.
2. Respondent Curt George Dunbar (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.
3. On or about February 21, 1986, the Board for Professional Engineers, Land

1 Surveyors, and Geologists issued Land Surveyor License No. L 5615 to Curt George Dunbar  
2 (Respondent). The Land Surveyor License was in full force and effect at all times relevant to the  
3 charges brought in Accusation No. 975-A and will expire on September 30, 2012, unless  
4 renewed.

5 JURISDICTION

6 4. Accusation No. 975-A was filed before the Board for Professional Engineers, Land  
7 Surveyors, and Geologists (Board), Department of Consumer Affairs, and is currently pending  
8 against Respondent. The Accusation and all other statutorily required documents were properly  
9 served on Respondent on July 15, 2011. Respondent timely filed his Notice of Defense  
10 contesting the Accusation. A copy of Accusation No. 975-A is attached as exhibit A and  
11 incorporated by reference.

12 ADVISEMENT AND WAIVERS

13 5. Respondent has carefully read, and understands the charges and allegations in  
14 Accusation No. 975-A. Respondent has also carefully read, and understands the effects of this  
15 Stipulated Settlement and Disciplinary 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.

25 CULPABILITY

26 8. Respondent understands and agrees that the charges and allegations in Accusation  
27 No. 975-A, if proven at a hearing, constitute cause for imposing discipline upon his Land  
28 Surveyor License.



1 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
2 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
3 writing executed by an authorized representative of each of the parties.

4 15. In consideration of the foregoing admissions and stipulations, the parties agree that  
5 the Board may, without further notice or formal proceeding, issue and enter the following  
6 Disciplinary Order:

7 **DISCIPLINARY ORDER**

8 IT IS ORDERED that Land Surveyor License No. L 5615 issued to Curt George Dunbar  
9 (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on  
10 probation for three (3) years on the following terms and conditions.

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

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

21 3. **Cost Recovery.** Within two and one-half (2 ½) years from the effective date of the  
22 decision, Respondent shall reimburse the Board for its investigative and enforcement costs in this  
23 matter in the amount of \$3,000. The reimbursement may be paid in installments.

24 4. **Examination.** Within 60 days from the effective date of the decision, Respondent  
25 shall successfully complete and pass the California Laws and Board Rules examination, as  
26 administered by the Board.

27 5. **Notification.** Within 30 days from the effective date of the decision, Respondent  
28 shall provide the Board with evidence that he has provided all persons or entities with whom he



1 stipulation and the effect it will have on my Land Surveyor License. I enter into this Stipulated  
2 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
3 bound by the Decision and Order of the Board for Professional Engineers, Land Surveyors, and  
4 Geologists.

5 DATED: MARCH 14, Original Signed  
6 2012 CURT GEORGE DUNBAR  
Respondent

7 ENDORSEMENT

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

11 Dated: March 23, 2012 Respectfully submitted,  
12 KAMALA D. HARRIS  
13 Attorney General of California  
14 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
15 Original Signed  
16 ASPASIA A. PAPAVASSILIOU  
17 Deputy Attorney General  
Attorneys for Complainant

18  
19  
20 SF2011900161

21  
22  
23  
24  
25  
26  
27  
28

**Exhibit A**

**Accusation No. 975-A**



1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 SHANA A. BAGLEY  
Deputy Attorney General  
4 State Bar No. 169423  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 622-2129  
Facsimile: (510) 622-2270  
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:

Case No. 975-A

12 **CURT GEORGE DUNBAR**  
13 **1011 Cedar Street**  
14 **Santa Cruz, CA 95060**  
15 **Land Surveyor License No. L 5615**

**ACCUSATION**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Richard B. Moore, P.L.S., (Complainant) brings this Accusation solely in his official  
20 capacity as the Executive Officer of the Board for Professional Engineers, Land Surveyors,  
21 and Geologists, Department of Consumer Affairs.

22 2. On or about February 21, 1986, the Board for Professional Engineers, Land  
23 Surveyors, and Geologists issued Land Surveyor License Number L 5615 to Curt George Dunbar  
24 (Respondent). The Land Surveyor License was in full force and effect at all times relevant to the  
25 charges brought in this Accusation and will expire on September 30, 2012, unless renewed.

26 ///

27 ///

28

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 (Code) unless  
5 otherwise indicated.

6 STATUTORY PROVISIONS

7 4. Code section 8729, subdivision (i), states that: A current organization record form  
8 shall be filed with the board for all businesses engaged in rendering professional land surveying  
9 services.

10 5. Code section 8744 states that:

11  
12 The applicant for the second division of the examination shall state in his  
13 application that, should he be licensed, he will support the Constitution of this State  
14 and of the United States, and that he will faithfully discharge the duties of a licensed  
land surveyor.

15 6. Code section 8762 states, in pertinent part, that:

16 ...

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

20 ...

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

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

...

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

5 (d) (1) If the 90-day time limit contained in subdivision (c) cannot be  
6 complied with for reasons beyond the control of the licensed land surveyor or  
7 licensed civil engineer, the 90-day time period shall be extended until the time at  
8 which the reasons for delay are eliminated. If the licensed land surveyor or  
9 licensed civil engineer cannot comply with the 90-day time limit, he or she shall,  
10 prior to the expiration of the 90-day time limit, provide the county surveyor with a  
11 letter stating that he or she is unable to comply. The letter shall provide an  
12 estimate of the date for completion of the record of survey, the reasons for the  
13 delay, and a general statement as to the location of the survey, including the  
14 assessor's parcel number or numbers.

15 ...  
16 7. Code section 8764 states, in pertinent part, that:

17 The record of survey shall show the applicable provisions of the following  
18 consistent with the purpose of the survey:

19 (a) All monuments found, set, reset, replaced, or removed, describing their  
20 kind, size, and location, and giving other data relating thereto.

21 (b) Bearing or witness monuments, basis of bearings, bearing and length of  
22 lines, scale of map, and north arrow.

23 (c) Name and legal designation of the property in which the survey is  
24 located, and the date or time period of the survey.

25 (d) The relationship to those portions of adjacent tracts, streets, or senior  
26 conveyances which have common lines with the survey.

27 ...  
28 (g) Any other data necessary for the intelligent interpretation of the various  
items and locations of the points, lines, and areas shown, or convenient for the  
identification of the survey or surveyor, as may be determined by the civil  
engineer or land surveyor preparing the record of survey.

The record of survey shall also show, either graphically or by note, the  
reason or reasons, if any, why the mandatory filing provisions of paragraphs (1) to  
(5), inclusive, of subdivision (b) of Section 8762 apply.

The record of survey need not consist of a survey of an entire property.

///

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

8. Code section 8767 states, in pertinent part, that:

If the county surveyor finds that the record of survey complies with the examination in Section 8766, the county surveyor shall endorse a statement on it of his or her examination, and shall present it to the county recorder for filing. Otherwise the county surveyor shall return it to the person who presented it, together with a written statement of the changes necessary to make it conform to the requirements of Section 8766. The licensed land surveyor or registered civil engineer submitting the record of survey may then make the agreed changes and 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.

9. Code section 8780 states, in pertinent part, that:

The board may receive and investigate complaints against licensed land surveyors and registered civil engineers, and make findings thereon.

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

...

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

...

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

10. Code of Civil Procedure section 2077 provides, in pertinent part:

The following are the rules for construing the descriptive part of a conveyance of real property, when the construction is doubtful and there are no other sufficient circumstances to determine it:

One--Where there are certain definite and ascertained particulars in the description, the addition of others which are indefinite, unknown, or false, does not frustrate the conveyance, but it is to be construed by the first mentioned particulars.

1 Two--When permanent and visible or ascertained boundaries or monuments  
2 are inconsistent with the measurement, either of lines, angles, or surfaces, the  
boundaries or monuments are paramount.

3 Three--Between different measurements which are inconsistent with each  
4 other, that of angles is paramount to that of surfaces, and that of lines paramount to  
both. . . .

5 **REGULATORY PROVISIONS**

6 11. California Code of Regulations, title 16, section 476 states, in pertinent part, that:

7 To protect and safeguard the health, safety, welfare, and property of the  
8 public, every person who is licensed by the Board as a professional land surveyor  
9 or professional civil engineer legally authorized to practice land surveying,  
10 including licensees employed in any manner by a governmental entity or in private  
11 practice, shall comply with this Code of Professional Conduct. A violation of this  
12 Code of Professional Conduct in the practice of professional land surveying  
13 constitutes unprofessional conduct and is grounds for disciplinary action pursuant  
14 to Section 8780 of the Code. This Code of Professional Conduct shall be used for  
15 the sole purpose of investigating complaints and making findings thereon under  
16 Section 8780 of the Code.

17 (a) Compliance with Laws Applicable to a Project:

18 A licensee shall provide professional services for a project in a manner that  
19 is consistent with the laws, codes, ordinances, rules, and regulations applicable to  
20 that project. A licensee may obtain and rely upon the advice of other professionals  
21 (e.g., architects, attorneys, professional engineers, professional land surveyors, and  
22 other qualified persons) as to the intent and meaning of such laws, codes, and  
23 regulations. . . .

24 **COST RECOVERY**

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

///

///

///

///

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

FACTUAL STATEMENT

21381 Shady Lane, Los Gatos Survey

13. In or about December 2006, Respondent conducted a survey of real property located at 21381 Shady Lane, Los Gatos, California (Shady Lane Survey).

14. Respondent did not file the Record of Survey with the County of Santa Clara until in or about March 2008.

15. In or about April 2008, the County of Santa Clara returned the Record of Survey to Respondent for correction. The County of Santa Clara presented over 30 comments to be addressed by Respondent, including spelling errors, differences in bearing and distance calculations, and untagged monuments. Respondent's Record of Survey states that there as a 21.73-foot deed closure error that was being surveyed but Respondent did not make any statements of how the error affected the property that he was surveying or any adjoining property.

16. On or about April 7, 2008, Respondent informed the County of Santa Clara that he would be revising the Record of Survey after completing additional survey work. Respondent did not file the revised Record of Survey until October 1, 2008.

17. In or about January 2009, Respondent resubmitted the Record of Survey with the County of Santa Clara. The Record of Survey included the setting of 9 additional survey monuments and finding 2 additional monuments. The Record of Survey did not address the 30-plus comments that the County of Santa Clara had addressed in April 2008. Respondent provided an incorrect date of February 2008 in the block title of the Record of Survey and an incorrect date of December 2006 in the Surveyor's Statement. Additionally, the Record of Survey did not contain a narrative explanation of mathematical closure error within 499-Maps-29 and how the errors could affect the outcome of reestablishing any of the property lines within the neighborhood. On or about January 27, 2009, the County of Santa Clara approved Respondent's Record of Survey.

18. On or about February 7, 2007, November 5, 2007, September 5, 2008, September 17, 2008, October 1, 2008, the Board informed Respondent that there was no Record of Survey on file with Santa Clara County and requested that Respondent file a Record of Survey.



1 of a pipe monument on Lot 14 in Respondent's survey. On or about September 2, 2008,  
2 Respondent reset the pipe monument in agreement with the adjacent property owner's Civil  
3 Engineer.

4 25. The true physical locations of three monuments in the Primavera Survey were not  
5 consistent with the descriptions and locations as shown on Respondent's CAD drawing and  
6 Record of Survey. Respondent's inconsistencies include describing a monument as being located  
7 at the base of a wall when it was actually set in a tree and Respondent describing a monument as  
8 being set in a on the edge of a concrete walk when it was actually set in a retaining wall.  
9 Additionally, Respondent physically removed a monument but his Record of Survey did not state  
10 that this had occurred or why he removed it.

11 26. Respondent did not file the Record of Survey for the 655 Primavera with the County  
12 of Santa Cruz until on or about January 20, 2009. The Record of Survey contained many errors,  
13 including, but not limited to, the following items:

- 14 A. The date in the title block of "December 2009" was incorrect.
- 15 B. The survey date in the Surveyor's Statement of "September 2007" was incorrect.
- 16 C. There was no explanation for the "Purpose of Survey."
- 17 D. There was no reference for a monument that was held to establish lots within a  
18 subdivision and used for the Basis of Bearing.
- 19 E. There was an incorrect description of a monument set in a tree.
- 20 F. There were incorrect dimensions for the southerly line of Lot 5, Block 64, where the  
21 record map called for "19.98" and Respondent called for "19.48."
- 22 G. There was no explanation of mathematical closure errors within the subdivision and  
23 how Respondent established the locations of the original lots within the subdivision.
- 24 H. The deed for 655 Primavera did not reference the monuments held for the Basis of  
25 Bearing.

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

**FIRST CAUSE FOR DISCIPLINE**  
**(Acts of Negligence)**  
**(Bus. & Prof. Code §8780 (b))**

**SHADY LANE SURVEY**

27. Respondent has subjected his license to disciplinary action under Code section 8780, subdivision (b), in that as to the Shady Lane Survey, Respondent committed acts of negligence in performing his duties as a land surveyor as follows:

A. In violation of Code section 8762, subdivision (b)(2), Respondent failed to disclose mathematical closure errors and how the errors could affect the outcome of reestablishing any of the property lines within the neighborhood. Respondent should have stated what the effects of the material discrepancies were and offered an opinion as to how and why he made his establishments.

B. In violation of Code section 8762, subdivision (b)(3), Respondent failed to make any narrative statements that there are alternate solutions for reestablishing property lines and failed to discuss the potential effects of the alternative locations. Respondent should have disclosed in narrative form, where the potential alternative locations were and offered potential option for solution in determining the property lines in the neighborhood.

C. In violation of Code section 8762, subdivision (c), Respondent failed to file the Record of Survey within 90 days from when the survey was conducted in December 2006. Respondent did not submit a Record of Survey until March 2008. In April 2008, Respondent notified the County of Santa Clara that he would be conducting an additional survey as to additional monuments but then did not resubmit a revised Record of Survey until September 5, 2008. Respondent should have requested an extension after making the first survey and should have been more proactive in completing the Record of Survey after notifying the County of Santa Clara that he was adding additional survey monuments.

D. In violation of Code section 8764, subdivision (c), Respondent provided an incorrect date of February 2008 on the Record of Survey. Respondent should have stated the duration of

1 the survey instead of providing a single date that preceded the work performed by Respondent  
2 after March 2008.

3 E. In violation of Code section 8764, subdivision (d), Respondent's Record of Survey  
4 does not state that there might be specific calls to senior conveyances and that their locations  
5 would be paramount and controlling in determining the property lines that Respondent was  
6 surveying. Respondent should have explained in the Record of Survey how any senior  
7 conveyances were reestablished and what effect they had on the measurements and angles of the  
8 deed calls that he was establishing on the ground.

9 F. In violation of Code section 8764, subdivision (g), Respondent's Record of Survey  
10 does not state how he established any of the points or lines and leaves it to future surveyors to  
11 make guesses and assumptions as to what Respondent was trying to accomplish during his  
12 survey. Respondent should have explained how and why he made the determinations of the  
13 original lines, how the senior conveyance locations were established, and how and why he made  
14 the determinations of all of the other positions for the junior property lines

15 G. In violation of Code of Civil Procedure section 2077, Respondent's Record of Survey  
16 does not state that he had ascertained any senior conveyances of boundaries or how he derived  
17 their locations (where boundaries are paramount to lines and angles). Respondent should have  
18 explained in the Record of Survey how any senior conveyances were reestablished and what  
19 effect they had on measurements and angles of the deed calls that he was establishing on the  
20 ground.

21 **SECOND CAUSE FOR DISCIPLINE**

22 (Acts of Negligence)

23 (Bus. & Prof. Code §8780 (b))

24 **PRIMAVERA SURVEY**

25 28. Respondent has subjected his license to disciplinary action under Code section 8780,  
26 subdivision (b), in that as to the Primavera Survey, Respondent committed acts of negligence in  
27 performing his duties as a land surveyor as follows:  
28

1           A.    In violation of Code section 8762, subdivision (b)(2), Respondent failed to disclose  
2 mathematical closure errors in Block 48 and Block 64 that he surveyed and how that could affect  
3 the outcome of reestablishing any of the property lines within. Respondent should have disclosed  
4 that there were numerous measurement and angle errors on the original subdivision map and  
5 offered potential options for alternative solution for determining the lot lines within the  
6 subdivision.

7           B.    In violation of Code section 8762, subdivision (b)(3), Respondent did not make any  
8 statements that there may be alternate solutions for reestablishing property lines and does not  
9 discuss the alternate location of his own survey monuments as shown on the adjoining property  
10 owner's Record of Survey. Respondent should have disclosed that there were numerous  
11 measurement and angle errors on the original subdivision map and offered potential options for  
12 alternative solution for determining the lot lines within the subdivision. Respondent should have  
13 also made reference on his Record of Survey that a previous Record of Survey had already been  
14 filed by the adjoining property owner's Civil Engineer and that there was a noticeable  
15 disagreement as to the property line locations.

16           C.    In violation of Code section 8762, subdivision (c), Respondent failed to file the  
17 Record of Survey within 90 days from when the survey was conducted between April and  
18 September 2008. Respondent did not submit a Record of Survey until January 20, 2009.  
19 Respondent did not request an extension for the submission of the Record of Survey. Respondent  
20 should have requested extension after making his first survey and when he realized that there was  
21 controversy with the work he had performed.

22           D.    In violation of Code section 8764, subdivision (a), Respondent failed to show all of  
23 the evidence, including a wooden post near the southwest corner of Lot 4, Block 48, Amended  
24 Wildwood No. 2, in the Record of Survey. Respondent should have showed on the Record of  
25 Survey that he had found additional monuments that were either proven or not proven to create an  
26 alternative solution for the survey that he was conducting.

27           E.    In violation of Code section 8764, subdivision (b), Respondent's Record of Survey  
28 does not state the correct record measurements and does not evaluate errors in his own field

1 measurements for the southerly line of Lot 5, Block 64, Amended Wildwood No. 2. Respondent  
2 should have transcribed the correct distances for the record map. Respondent did not mention the  
3 differences between measurements for the monument locations that he held as the Basis of  
4 Bearing for his survey. Respondent should have explained the differences in measurement in and  
5 around the Basis of Bearing monuments and why he accepted them.

6 F. In violation of Code section 8764, subdivision (c), Respondent provided incorrect  
7 dates through out the Record of Survey, including the date in the title block of "December 2009"  
8 and the survey date in the Surveyor's Statement of "September 2007." Respondent should have  
9 checked the drafting on his Record of Survey and corrected the erroneous dates prior to the filing  
10 of the Record of Survey. Respondent should have stated the duration of the survey instead of  
11 providing a single date.

12 G. In violation of Code section 8764, subdivision (d), Respondent's Record of Survey  
13 does not mention that there are no specific calls to senior conveyances and that their locations are  
14 paramount and controlling in determining the property lines that he was surveying. Respondent  
15 should have explained on the Record of Survey how the senior conveyances were reestablished  
16 and what effect they had on the measurements and angles of the deed calls tat he was establishing  
17 on the ground.

18 H. In violation of Code section 8764, subdivision (g), Respondent did not provide any  
19 dialogue as to how Respondent established any of the points or lines on the Record of Survey.  
20 Respondent should have explained how and why he made the determinations of the original  
21 subdivision lines, how the senior conveyance locations were established and how and why he  
22 made the determinations of all of the other positions for junior property lines.

23 I. In violation of Code of Civil Procedure section 2077, Respondent's Record of Survey  
24 does not show that he had ascertained senior conveyances of boundaries or show how he derived  
25 their locations. Respondent should have explained in the Record of Survey how the senior  
26 conveyances were reestablished and what effect they had on the measurements and angles of the  
27 deed calls that he was establishing on the ground. Respondent was aware of numerous errors in  
28 the deed calls. These differences should have been addressed in the Record of Survey.

1 **THIRD CAUSE FOR DISCIPLINE**

2 (Acts of Incompetence)

3 (Bus. & Prof. Code §8780 (b))

4 **SHADY LANE SURVEY**

5 29. Respondent has subjected his license to disciplinary action under Code section 8780,  
6 subdivision (b), in that as to the Shady Lane Survey, Respondent committed acts of incompetence  
7 in performing his duties as a land surveyor as follows:

8 A. In violation of Code section 8729, subdivision (i), Respondent failed to file an  
9 Organization Record with the Board until more than 15 years after his company had changed its  
10 name, officers, and qualified persons. Respondent should have exhibited an understanding of the  
11 Act and should have had an updated Organization Record on file with the Board. The  
12 circumstances are more particularly set forth in Paragraphs 20 and 21, above.

13 B. In violation of California Code of Regulations, title 16, section 476, subdivision (a),  
14 and Code section 8744, Respondent did not fulfill his promise to discharge faithfully the duties of  
15 a licensed land surveyor by not following the Professional Land Surveyor's Act (Act) or the  
16 accepted principles for Land Surveying. Respondent should have exhibited an understanding of  
17 the Act by following the rules and regulations and should have followed the accepted principles  
18 for Land Surveying. The circumstances are more particularly set forth in Paragraphs 13 through  
19 21, and 27 and 28, and their subparts, above.

20 **FOURTH CAUSE FOR DISCIPLINE**

21 (Acts of Incompetence)

22 (Bus. & Prof. Code §8780 (b))

23 **PRIMAVERA SURVEY**

24 30. Respondent has subjected his license to disciplinary action under Code section 8780,  
25 subdivision (b), in that as to the Primavera Survey, Respondent committed acts of incompetence  
26 in performing his duties as a land surveyor as follows:

27 A. In violation of Code section 8729, subdivision (i), Respondent's communications  
28 with the Board indicate that he did not understand what an "Organizational Record" was. The  
underlying circumstances are more particularly set forth in Paragraphs 20 and 21, above.

1 Respondent should have exhibited an understanding of the Act and should have had a current  
2 Organization Record on file with the Board.

3 B. In violation of California Code of Regulations, title 16, section 476, subdivision (a),  
4 and Code section 8744, Respondent did not fulfill his promise to discharge faithfully the duties of  
5 a licensed land surveyor by not following the Act or the accepted principles for Land Surveying.  
6 Respondent should have exhibited an understanding of the Act by following the rules and  
7 regulations and should have followed the accepted principles for Land Surveying. The  
8 circumstances are more particularly set forth in Paragraphs 22 through 26, and 29 and 30, and  
9 their subparts, above.

10 **FIFTH CAUSE FOR DISCIPLINE**  
11 **(Violations of the Professional Land Surveyor's Act and Other Laws)**  
12 **(Bus. & Prof. Code §8780(d))**

13 31. Respondent has subjected his license to disciplinary action under Code section 8070,  
14 subdivision (d), in that Respondent violated the Act by not complying with the requirements of  
15 the following sections of the Business and Professions Code: 8729, subdivision (i), 8744, 8762,  
16 subdivisions (b)(2), (b)(3), and (c), and 8764, subdivisions (a), (b), (c), (d), and (g). The  
17 circumstances are more particularly set forth in Paragraphs 13 through 30, and their subparts,  
18 above.

19 **DISCIPLINARY CONSIDERATIONS**

20 32. To determine the degree of discipline, if any, to be imposed on Respondent,  
21 Complainant alleges that on or about October 31, 2001, in a prior action, the Board issued  
22 Citation Number CIT 5090-L for violating Code section 8767 (Failure to Resubmit a Record of  
23 Survey Within 60 Days). Respondent was ordered to pay an administrative fine of \$500.00.  
24 Respondent paid the fine on or about November 27, 2001. That Citation is now final and is  
25 incorporated by reference as if fully set forth.

26 33. To determine the degree of discipline, if any, to be imposed on Respondent,  
27 Complainant alleges that on or about September 30, 2008, in a prior action, the Board issued  
28 Citation Number CIT 5291-L for violating Code sections 8759 (Failure to Use a Written

1 Contract) and 8762 (Failure Submit a Record of Survey Within 90 Days). Respondent was  
2 ordered to use written contracts, submit timely Records of Survey, and pay an administrative fine  
3 of \$1,000.00. Respondent paid the fine on or about October 8, 2008. That Citation is now final  
4 and is incorporated by reference as if fully set forth.

5 34. To determine the degree of discipline, if any, to be imposed on Respondent,  
6 Complainant alleges that on or about September 30, 2008, in a prior action, the Board issued  
7 Citation Number CIT 5292-L for violating Code section 8762 (Failure to Submit a Record of  
8 Survey Within 90 Days). Respondent was ordered to submit timely Records of Survey and pay  
9 an administrative fine of \$1,000.00. Respondent paid the fine on or about October 8, 2008. That  
10 Citation is now final and is incorporated by reference as if fully set forth.

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
13 Accusation, and that following the hearing, the Board for Professional Engineers, Land  
14 Surveyors, and Geologists issue a decision:

- 15 1. Revoking or suspending Land Surveyor License Number L 5615, issued to Curt  
16 George Dunbar;
- 17 2. Ordering Curt George Dunbar to pay the Board for Professional Engineers, Land  
18 Surveyors, and Geologists the reasonable costs of the investigation and enforcement of this case,  
19 /pursuant to Business and Professions Code section 125.3; and
- 20 3. Taking such other and further action as deemed necessary and proper.
- 21  
22

23 DATED: \_\_\_\_\_

7/12/2011

Original Signed

24 RICHARD B. MOORE, P.L.S.  
25 Executive Officer  
26 Board for Professional Engineers, Land Surveyors,  
27 and Geologists  
28 Department of Consumer Affairs  
State of California  
Complainant

SF2011900161/ accusation.rtf