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

In the Matter of the Accusation Against:  
  
**KEN NUSSBAUM  
11258 1/2 San Jacinto Street  
Morongo Valley, CA 92256  
Land Surveyor License No. L 6298**  
  
Respondent.

Case No. 910-A

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about June 25, 2010, Complainant David E. Brown, in his official capacity as the Executive Officer of the Board for Professional Engineers and Land Surveyors, Department of Consumer Affairs, filed Accusation No. 910-A against Ken Nussbaum (Respondent) before the Board for Professional Engineers and Land Surveyors. (Accusation No. 910-A attached hereto as Exhibit "A").

2. On or about March 9, 1990, the Board for Professional Engineers and Land Surveyors (Board) issued Land Surveyor License No. L 6298 to Respondent. The Land Surveyor License expired on September 30, 2008, and has not been renewed.

3. On or about July 8, 2010, Respondent was served by Certified and First Class Mail copies of the Accusation No. 910-A, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at

1 Respondent's address of record which, pursuant to Business and Professions Code sections 136  
2 and 8712, is required to be reported and maintained with the Board, which was and is: 11258 1/2  
3 San Jacinto Street, Morongo Valley, CA 92256.

4 4. Service of the Accusation was effective as a matter of law under the provisions of  
5 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
6 124.

7 5. The aforementioned documents have not been returned by the U.S. Postal Service.

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

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

14 7. Respondent failed to file a Notice of Defense within 15 days after service upon him  
15 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
16 910-A.

17 8. California Government Code section 11520 states, in pertinent part:

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

22 9. Pursuant to its authority under Government Code section 11520, the Board finds  
23 Respondent is in default. The Board will take action without further hearing and, based on the  
24 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,  
25 as well as taking official notice of all the investigatory reports, exhibits and statements contained  
26 therein on file at the Board's offices regarding the allegations contained in Accusation No. 910-A,  
27 finds that the charges and allegations in Accusation No. 910-A, are separately and severally true  
28 and correct by clear and convincing evidence.

10 Taking official notice of its own internal records, pursuant to Business and  
11 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
12 and Enforcement is \$2,650.00 as of November 1, 2010.

DETERMINATION OF ISSUES

1  
2       1.     Based on the foregoing findings of fact, Respondent Ken Nussbaum has subjected his  
3 Land Surveyor License No. L 6298 to discipline.

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

5       3.     The Board for Professional Engineers and Land Surveyors is authorized to revoke  
6 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 Investigatory  
8 Evidence Packet in this case:

9       a.     Respondent is subject to disciplinary action under section 8780(b) of the Business and  
10 Professions Code for negligence in the practice of professional land surveying in that his  
11 monuments did not satisfy the durability requirements per Code section 8771(a), or the labeling  
12 requirements per Code section 8771, and Respondent failed to submit Records of Survey or  
13 Corner Records to the County Surveyor within 90 days after setting these monuments, as required  
14 by Code sections 8762 and 8765;

15       b.     Respondent is subject to disciplinary action under section 8780(b) of the Business and  
16 Professions Code for incompetence in the practice of professional land surveying in that his  
17 monuments did not satisfy the durability requirements pursuant to Code section 8771(a), or the  
18 labeling requirements per Code section 8771, and Respondent failed to submit Records of Survey  
19 or Corner Records to the County Surveyor within 90 days after setting these monuments, as  
20 required by Code sections 8762 and 8765;

21       c.     Respondent is subject to disciplinary action under section 8780(d) of the Business and  
22 Professions Code for violating section 8762, in that he failed to file a record of survey within 90  
23 days;

24       d.     Respondent is subject to disciplinary action under section 8780(d) of the Business and  
25 Professions Code for violating Code section 8771(a), in that he failed to set monuments with  
26 sufficient durability;

27     ///

28     ///

1 e. Respondent is subject to disciplinary action under section 8780(d) of the Business and  
2 Professions Code for violating Code section 8772, in that he failed to properly label monuments.

3 ORDER

4 IT IS SO ORDERED that Land Surveyor License No. L 6298, heretofore issued to  
5 Respondent Ken Nussbaum, is revoked.

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

10 This Decision shall become effective on December 24, 2010.

11 It is so ORDERED November 17, 2010

12 Original Signed  
13 FOR THE BOARD FOR PROFESSIONAL ENGINEERS  
14 AND LAND SURVEYORS  
15 DEPARTMENT OF CONSUMER AFFAIRS

16 70380013.DOCX  
17 DOJ Matter ID: SD2010800168  
18 Attachment: Exhibit A Accusation No. 910-A  
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# Exhibit A

Accusation

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 ERIN M. SUNSERI  
Deputy Attorney General  
4 State Bar No. 207031  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
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7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

11  
12 In the Matter of the Accusation Against:

13 KEN NUSSBAUM  
11258 1/2 San Jacinto Street  
14 Morongo Valley, CA 92256

15 Land Surveyor License No. L 6298

16 Respondent.

Case No. 910-A

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

17  
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about March 9, 1990, the Board for Professional Engineers and Land Surveyors  
24 issued Land Surveyor License Number L 6298 to Ken Nussbaum (Respondent). The Land  
25 Surveyor License expired on September 30, 2008, and has not been renewed.

1 **JURISDICTION**

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

5 4. Section 118, subdivision (b), of the Code provides that the suspension, expiration,  
6 surrender, 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 5. Section 8780 of the Code states:

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

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

17 . . . .

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

19 . . . .

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

22 . . . .

23 **STATUTORY PROVISIONS**

24 6. Section 482 of the Code states:

25 Each board under the provisions of this code shall develop criteria to  
26 evaluate the rehabilitation of a person when:

27 (a) Considering the denial of a license by the board under Section 480; or

28 (b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation  
furnished by the applicant or licensee.

1 7. Section 8762 of the Code states:

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

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

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

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

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

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

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

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



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

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

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

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

18 8. Section 8765 of the Code states:

19 A record of survey is not required of any survey:

20 (a) When it has been made by a public officer in his or her official capacity  
21 and a reproducible copy thereof, showing all data required by Section 8764, except  
22 the recorder's statement, has been filed with the county surveyor of the county in  
23 which the land is located. Any map so filed shall be indexed and kept available for  
public inspection.

24 (b) Made by the United States Bureau of Land Management.

25 (c) When a map is in preparation for recording or shall have been recorded  
26 under the provisions of the Subdivision Map Act.

27 (d) When the survey is a retracement of lines shown on a subdivision map,  
28 official map, or a record of survey, where no material discrepancies with those  
records are found and sufficient monumentation is found to establish the precise

1 location of property corners thereon, provided that a corner record is filed for any  
2 property corners which are set or reset or found to be of a different character than  
3 indicated by prior records. For purposes of this subdivision, a "material  
4 discrepancy" is limited to a material discrepancy in the position of points or lines,  
5 or in dimensions.

6 (e) When the survey is a survey of a mobilehome park interior lot as defined  
7 in Section 18210 of the Health and Safety Code, provided that no subdivision map,  
8 official map, or record of survey has been previously filed for the interior lot or no  
9 conversion to residential ownership has occurred pursuant to Section 66428.1 of  
10 the Government Code.

11 9. Section 8771(a) of the Code states:

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

16 10. Section 8772 of the Code states:

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

23 Nothing in this section shall prevent the inclusion of other information on  
24 the tag which will assist in the tracing or location of the survey records which  
25 relate to the tagged monument.

### 26 REGULATORY PROVISIONS

27 11. Title 16, California Code of Regulations section 418 states:

28 (b) When considering the suspension or revocation of the certification of an  
engineer-in-training or a land surveyor-in-training, or the license of a professional  
engineer or a professional land surveyor, or the authority to use the title "structural  
engineer," or the authority to use the title "geotechnical engineer" under Section  
490 of the Code, the Board will consider the following criteria in evaluating the  
rehabilitation of such person and his or her present eligibility to retain his or her  
license:

(1) The nature and severity of the act(s) or crime(s) under consideration as  
grounds for suspension or revocation.

1 (2) Evidence of any act(s) committed prior to or subsequent to the act(s) or  
2 crime(s) under consideration as grounds for suspension or revocation which  
3 could also be considered as grounds for suspension or revocation under  
4 Section 490 of the Code.

5 (3) The time that has elapsed since commission of the act(s) or crime(s)  
6 referred to in subdivision (1) or (2).

7 (4) The extent to which the licensee has complied with any terms of parole,  
8 probation, restitution, or any other sanctions lawfully imposed against the  
9 license.

10 (5) Any evidence of rehabilitation submitted by the licensee.

11 (6) Total criminal record.

12 (7) If applicable, evidence of expungement proceedings pursuant to Section  
13 1203.4 of the Penal Code.

14 12. Title 16, California Code of Regulations section 476 states:

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

25 (a) Compliance with Laws Applicable to a Project: A licensee shall provide  
26 professional services for a project in a manner that is consistent with the laws,  
27 codes, ordinances, rules, and regulations applicable to that project. A licensee may  
28 obtain and rely upon the advice of other professionals (e.g., architects, attorneys,  
professional engineers, professional land surveyors, and other qualified persons) as  
to the intent and meaning of such laws, codes, and regulations.

.....

### COST RECOVERY

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

**FACTUAL ALLEGATIONS**

1  
2       14. Respondent holds a land surveying certificate and is the owner of K.N. Land Survey,  
3 which performs surveys in San Bernardino County, California. On June 19, 2006, Daniel Moye,  
4 the San Bernardino County Surveyor, sent Respondent a letter, which followed up a verbal  
5 conversation, concerning deficiencies in Respondent's work. The letter contained a photograph  
6 of a 2"x 2" wooden hub and lathe, labeled "APN 602-182-03," which was the Assessor Parcel  
7 Number of a property Respondent had surveyed. Moye directed Respondent to set durable  
8 monuments (such as iron pipe or rebar), instead of wooden hubs; tag monuments with his Land  
9 Surveyor Number; file corner records or records of survey for future surveys; and ensure  
10 compliance with these directions on his previous surveys. Moye advised Respondent that he  
11 would bring the issues to the attention of the Joint Professional Practice Committee (JPPC).

12       15. On July 9, 2006, Respondent sent a letter to Moye stating, "The surveys that I made  
13 setting our 2x2 hubs (pine) have are (sic) will be pulled out. The hubs were +/-1 ft. Not good  
14 enough for ties. I would not like another surveyor tying into these as they were for the realstate  
15 (sic) companies or land owners only to see where the property they were selling or had was (sic)."  
16 Respondent also stated, "I realize that I should not have set anything in the ground without being  
17 right on and filling (sic) a corner of record."

18       16. On August 7, 2006, Moye sent another letter to Respondent and cautioned him from  
19 pulling any pins. On August 22, 2006, Respondent responded to Moye stating, "There is still a 4'  
20 lath at the hubs that I took out and the location is still marked. I told my clients that they were not  
21 registered (I now know that was wrong) and not set pricely (sic). They were set very accurtly  
22 (sic), sometimes there were other corners to tie into. I could not find my other letter to you but if  
23 I said the corners were + 1 foot it should have said 0.1'+/." Respondent also stated, "I do not  
24 have any records of past surveys and I do not have the money to go back and re-survey all of my  
25 surveys. I now realize that I do not have the equipment, time, or knowledge to run a survey  
26 company. I do have plans to stop K.N. Land survey and go back to work with another survey  
27 company." Respondent concluded his letter by stating, "Bottom Line: I cannot re-survey all of  
28 my surveys. I am going to stop K.N. Land Survey and find another job but if I had my license, it

1 would help but if it is taken away it will not be the end of the world. I do not have any money to  
2 pay any fine that is imposed.”

3 17. On December 12, 2006, Richard Siegmund, the Chairman of the JPPC filed a  
4 complaint with the Board citing seven surveys (“Undocumented Surveys”) that Respondent had  
5 performed without filing a corner record or record of survey as required by the Land Surveyors  
6 Act. Respondent was notified of the complaint and responded to the Board on January 20, 2007  
7 by stating that corner records would be submitted for five of the Undocumented Surveys (among  
8 others) within a week. On February 14, 2007, the Board responded to Respondent and asked him  
9 to specify which five of the seven Undocumented Surveys he would be submitting corner records  
10 for.

11 18. On February 26, 2007, Respondent sent a letter to the Board listing four parcels for  
12 which he had submitted corner records. Respondent disputed the need for a corner record on the  
13 fifth parcel (APN 587-231-50). Adequate control had been found for the East boundary, which  
14 had been the focus of the survey. However, Respondent had previously acknowledged setting a  
15 hub to monument a corner elsewhere on this boundary, in his letter dated January 20, 2007.  
16 Respondent stated that as for the other surveys for APN 631-132-28 and APN 454-041-33, “Each  
17 of them will probably require a record of survey. I have a P.L.S. who may help me with them. I  
18 have not been back to these surveys and as my record keeping was not up to par I do not know  
19 what was found or set, my record keeping has improved a lot since then. I have told clients that I  
20 cannot do a record of survey as I do not have the drafting equipment (no computer) and I hate to  
21 keep asking for help. I cannot go back to the client to ask for more money so I will have to do it  
22 on my own. Can I just give them back the money and take out anything I set?”

23 19. On July 10, 2007, the Board sent a letter to Respondent advising him that if the three  
24 outstanding parcels were not surveyed within 30 days, disciplinary action may be taken against  
25 Respondent’s license. On August 5, 2007, Respondent sent a letter to the Board indicating the  
26 following: APN 0631-132-28: Respondent stated that he had monumented the NE Corner and  
27 some easements and that he had subsequently removed them; APN 0454-041-33: Respondent  
28 stated that he had searched in vain for control and set nothing; APN 0587-231-50: Respondent

1 stated that everything as found per Tract 4336, and that nothing had been set, (which contradicted  
2 his letter dated January 20, 2007, wherein he stated that he had set a corner in a wash).

3 **FIRST CAUSE FOR DISCIPLINE**

4 (Negligence in the Practice of Professional Land Surveying)

5 20. Respondent is subject to disciplinary action under section 8780(b) of the Code for  
6 negligence in the practice of professional land surveying in that his monuments did not satisfy the  
7 durability requirements per Code section 8771(a), or the labeling requirements per Code section  
8 8771, and Respondent failed to submit Records of Survey or Corner Records to the County  
9 Surveyor within 90 days after setting these monuments, as required by Code sections 8762 and  
10 8765, as set forth in detail in paragraphs 14-19, incorporated herein by reference. These  
11 omissions constitute negligence in his practice of land surveying.

12 **SECOND CAUSE FOR DISCIPLINE**

13 (Incompetence in the Practice of Professional Land Surveying)

14 21. Respondent is subject to disciplinary action under section 8780(b) of the Code for  
15 incompetence in the practice of professional land surveying in that his monuments did not satisfy  
16 the durability requirements pursuant to Code section 8771(a), or the labeling requirements per  
17 Code section 8771, and Respondent failed to submit Records of Survey or Corner Records to the  
18 County Surveyor within 90 days after setting these monuments, as required by Code sections  
19 8762 and 8765, as set forth in detail in paragraphs 14-19, incorporated herein by reference.  
20 Respondent acknowledged that some of these omissions were due to a lack of knowledge and  
21 understanding on his part. These omissions constitute incompetence in his practice of land  
22 surveying.

23 **THIRD CAUSE FOR DISCIPLINE**

24 (Violation of Chapter – Failure to File a Record of Survey within 90 days)

25 22. Respondent is subject to disciplinary action under section 8780(d) of the Code for  
26 violating Code section 8762, in that he failed to file a record of survey within 90 days, as set forth  
27 in detail in paragraphs 14-19, incorporated herein by reference.  
28



1 **FOURTH CAUSE FOR DISCIPLINE**

2 (Violation of Chapter – Failure to Set Monuments with Sufficient Durability)

3 23. Respondent is subject to disciplinary action under section 8780(d) of the Code for  
4 violating Code section 8771(a), in that he failed to set monuments with sufficient durability, as set  
5 forth in detail in paragraphs 14-19, incorporated herein by reference.

6 **FIFTH CAUSE FOR DISCIPLINE**

7 (Violation of Chapter – Failure to Properly Label Monuments)

8 24. Respondent is subject to disciplinary action under section 8780(d) of the Code for  
9 violating Code section 8772, in that he failed to properly label monuments, as set forth in detail in  
10 paragraphs 14-19, incorporated herein by reference.

11 **PRAYER**

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

- 15 1. Revoking or suspending Land Surveyor License Number L 6298, issued to Ken
- 16 Nussbaum;
- 17 2. Ordering Ken Nussbaum to pay the Board for Professional Engineers and Land
- 18 Surveyors the reasonable costs of the investigation and enforcement of this case, pursuant to
- 19 Business and Professions Code section 125.3;
- 20 3. Taking such other and further action as deemed necessary and proper.

21  
22  
23 DATED: 6/25/10

*Original Signed*

24 \_\_\_\_\_  
25 DAVID E. BROWN  
26 Executive Officer  
27 Board for Professional Engineers and Land Surveyors  
28 Department of Consumer Affairs  
State of California  
*Complainant*

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