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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 Petition to Revoke)	
Probation against:)	
)	
NICK KAZEMI)	Case No. 755-A
4966 Topanga Canyon Boulevard)	
Woodland Hills, CA 91364)	OAH No. 2008090391
)	
Land Surveyor License No. L 7022,)	
)	
Respondent.)	
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DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board for Professional Engineers and Land Surveyors as its Decision in the above-entitled matter.

This Decision shall become effective on May 15, 2009.

IT IS SO ORDERED April 15, 2009.

BOARD FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS
Department of Consumer Affairs
State of California

By original signed

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

In the Matter of the Petition to Revoke
Probation Against:

NICK KAZEMI,

Respondent.

Board No. 755-A

OAH No. 2008090391

PROPOSED DECISION

This matter was heard on December 4, 2008, in Los Angeles, by Chris Ruiz, Administrative Law Judge (ALJ), Office of Administrative Hearings, State of California.

Respondent Nick Kazemi (Respondent) was present and represented himself.

Cindi Christenson, P.E., (Complainant) Executive Officer, Board of Professional Engineers and Land Surveyors (Board), Department of Consumer Affairs, was represented by Alvaro Mejia, Deputy Attorney General.

Oral and documentary evidence was received and the matter was submitted for decision on December 4, 2008.

FACTUAL FINDINGS

1. Complainant filed the Petition to Revoke Probation in his official capacity.
2. Respondent is presently licensed under Land Surveyor License number L 7022 and his license is due to expire on June 30, 2010.
3. In December 2004, in case number L2003120454, Respondent's license was revoked. That revocation was stayed for three years and Respondent was placed on probation with certain terms and conditions which included: (probation condition number 7) successfully complete and pass a course in professional ethics approved by the Board no later than December 10, 2005, and (probation condition number 9) successfully complete and pass with a grade of "C" or better two college-level courses approved by the Board no later than December 10, 2006. Respondent has completed all other terms of his probation.

4. Respondent has completed neither of the conditions discussed in Factual Finding number 3.

5. Respondent testified that he had trouble finding classes to satisfy the conditions stated in Factual Finding number 3. He also testified that he was under a great deal of pressure at work due to a heavy workload and he felt obligated to service his clients. This explanation is not convincing. Respondent has had over four years to complete the classes at issue. His paramount concern should have been to satisfy the terms of his probation and to keep his probationary license.

6. Complainant incurred reasonable investigation and prosecution costs in the sum of \$1,943.52.

LEGAL CONCLUSIONS AND DISCUSSION

1. Cause exists to suspend or revoke Respondent's land surveyor's license pursuant to Business and Professions Code section 8780 because Respondent has failed to timely fulfill the agreed upon terms of his probation. (Factual Findings 1-5.)

2. The below stated order will immediately allow Respondent sufficient time to complete the requirements of his probation. The following order is required in order to protect the health, safety, and welfare of the public. (Factual Findings 1-5.)

ORDER

The Petition to Revoke Respondent Nick Kazemi's land surveyors license number L 7022 is denied. However, the probation of Respondent's license is extended for one year from the effective date of this decision and Respondent's license is suspended until such time as Respondent completes probation condition numbers 7 and 9 as stated in the Board's December of 2004 decision. If Respondent does not complete said conditions within one year from the effective date of this decision, Respondent's license is revoked. Respondent is further ordered to pay \$1,943.52 in costs within 12 months of the effective date of this decision.

DATED: January 29, 2009.

Original Signed
CHRIS RUIZ
Administrative Law Judge
Office of Administrative Hearings

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of the State of California
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Supervising Deputy Attorney General
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6 Attorneys for Complainant

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

10 In the Matter of the Petition to Revoke Probation ,
Against:

Case No. 755-A

11 NICK KAZEMI
12 4966 Topanga Canyon Blvd.
Woodland Hills, CA 91364
13 Land Surveyor License No. L 7022

**PETITION TO REVOKE
PROBATION**

14 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Cindi Christenson, P.E. (Complainant) brings this Petition to Revoke
20 Probation solely in her official capacity as the Executive Officer of the Board for Professional
21 Engineers and Land Surveyors, Department of Consumer Affairs.

22 2. On or about February 4, 1994, the Board for Professional Engineers and
23 Land Surveyors issued Land Surveyor License Number L 7022 to Nick Kazemi (Respondent).
24 The Land Surveyor License was in effect at all times relevant to the charges brought herein and
25 will expire on June 30, 2008, unless renewed.

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1 PRAYER

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

- 5 1. Revoking the probation that was granted by the Board for Professional
6 Engineers and Land Surveyors in Case No. 755-A and imposing the disciplinary order that was
7 stayed thereby revoking Land Surveyor License No. L 7022 issued to Nick Kazemi;
- 8 2. Revoking or suspending Land Surveyor License No. L 7022, issued to
9 Nick Kazemi;
- 10 3. Taking such other and further action as deemed necessary and proper.

11
12 DATED: 2/26/08

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15 *Original Signed*
16 CINDI CHRISTENSON, P.E.
17 Executive Officer
18 Board for Professional Engineers and Land Surveyors
19 Department of Consumer Affairs
20 State of California

21 Complainant

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Exhibit A

Decision and Order

Board for Professional Engineers and Land Surveyors Case No. 755-A

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

In the Matter of the Accusation against:)	
)	
NICK KAZEMI)	Case No. 755-A
4966 Topanga Canyon Boulevard)	
Woodland Hills, CA 91364)	OAH No. L2003120454
)	
Land Surveyor License No. L 7022,)	
)	
Respondent.)	
_____)	

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board for Professional Engineers and Land Surveyors as its Decision in the above-entitled matter, except that, pursuant to Government Code section 11517(c)(2)(C), Paragraph 9 of the Order, appearing on Page 6 of the Proposed Decision, is hereby modified for technical reasons for purposes for clarity as follows:

(9) During the first two years on probation, respondent shall successfully complete and pass with a grade of "C" or better two (2) college-level courses approved in advanced by the Board or its designee. Such courses shall be specifically related to the areas of violation in this matter. For purposes of this probationary condition, "college-level course" shall mean a course offered by a community college or a four-year university of three semester units or the equivalent and shall not include seminars.

All of the other terms and conditions of probation specified in the Proposed Decision of the Administrative Law Judge are not amended, modified, or otherwise altered.

This Decision shall become effective on December 10, 2004.

IT IS SO ORDERED this 10th day of November, 2004.

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

By Original Signed

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

In the Matter of the Accusation Against:

NICK KAZEMI
4966 Topanga Canyon Boulevard
Woodland Hills, California 91364,

Land Surveyor's License No. L-7022,

Respondent.

Case No. 755-A

OAH No. L-2003120454

PROPOSED DECISION

This matter came before and was heard by Vincent Nafarrete, Administrative Law Judge of the Office of Administrative Hearings, in Los Angeles on August 26, 2004. Complainant was represented by Gregory J. Salute, Deputy Attorney General. Respondent was present and represented himself.

Oral and documentary evidence and argument having been received and the matter submitted for decision, the Administrative Law Judge makes the following findings of fact:

FACTUAL FINDINGS

1. The Administrative Law Judge takes official notice that, on November 26, 2003, the Accusation was made and filed by Cindi Christenson, P.E., in her official capacity of Executive Officer, Board for Professional Engineers and Land Surveyors, Department of Consumer Affairs, State of California (hereinafter Board).

2. On or about February 4, 1994, the Board issued land surveyor's license no. L-7022 and licensing rights to Nick Kazemi (hereinafter respondent). Said license expires on June 30, 2006, unless renewed, and is currently in full force and effect. Respondent has no prior disciplinary history on his license.

3. (A) Since being issued his land surveyor's license in February 1994, respondent has been engaged in the private land surveying business from offices in Woodland Hills. His business is called "Nick Kazemi, Inc."

(B) In April 1997, Arsen Sarkisian (hereinafter Sarkisian) was referred to respondent by one of respondent's associates or employees. Sarkisian lived and continues to live at the residence located at 123 South Adams Street in Glendale which is described as Lot 16, Kate C. Palmer Tract (Lot 16), Map Book 11, page 124, in the records of the County of Los Angeles. Sarkisian had just purchased the home and wanted to build a fence around his property. At the time, there was no fence between his home and the next door neighbor to the north.

(C) On or about April 24, 1997, Sarkisian hired respondent to conduct a survey of his property so that he would know the boundaries of his property and be able to build the fence on or at the property lines. Respondent agreed to perform the boundary survey and demark the property lines for a fee of \$400. He reduced his customary land surveying fee because Sarkisian was referred by his associate or employee. Respondent and Sarkisian did not execute a written contract.

4. Subsequently, respondent conducted research of pertinent tract maps at the county recorder's office and survey documents and data at the City of Glendale's public works division. He then performed field survey work, measured the block, and found existing monuments. He then placed temporary set points or stakes at the corners of Sarkisian's property to demark the property lines and prepared a plat map called "Boundary Staking" that described plat dimensions and illustrated locations of the temporary set points or stakes and the property lines. Respondent gave the plat map to Sarkisian.

5. Sarkisian then relied upon and used respondent's temporary set points or stakes and plat map to mark the boundaries of his property and to construct a fence around it. The homeowner marked the property line of his home by tying a string from one corner stake to another. He then installed a wooden fence at or inside the property lines established by the string and respondent's corner set points or stakes and plat map.

6. (A) Five years later, in 2002, Sarkisian's next door neighbor filed a civil suit against him, alleging that his adjoining fence encroached and trespassed onto her property. In May 2002, the neighbor hired a land surveyor who performed a boundary survey and determined that Sarkisian's fence encroached onto her property by 0.78 feet. On advice of his attorney, Sarkisian hired a surveyor whose results and findings confirmed the encroachment.

(B) To settle the civil lawsuit, Sarkisian paid \$2,500 to the neighbor for the encroachment and trespassing. Sarkisian incurred legal expenses of \$1,278.50 to retain an attorney to represent him and survey fees of \$630 to hire the land surveyor. Sarkisian then hired a contractor who removed 75 feet of his fence and used the materials to construct a new fence at the revised and correct property line adjoining the property of the next door neighbor. His cost of hiring the contractor was \$1,700.

7. On January 13, 2003, Sarkisian filed a Consumer Complaint against respondent, complaining that he had incorrectly measured and marked his property, failed to file a record of survey, and failed to place permanent and durable monuments after performing a boundary survey. The Board then retained a technical expert to review respondent's boundary survey of the Sarkisian property. The technical expert testified at the hearing in this matter and his testimony and report established the violations committed by respondent on the subject project as described hereinbelow.

8. On or about April 24, 1997, after performing the field and boundary survey of the Sarkisian property, respondent failed to set durable tagged monuments at the corners of the property in violation of Business and Professions Code section 8772. Rather than setting lead and tacks in concrete on offsets at the front corners and tagged durable monuments on the back corners of the property, respondent laid temporary sets or stakes at the corners when he knew or should have known that the property owner was going to rely on the property corner demarcations to construct a fence.

9. On or about April 24, 1997, after performing his field and boundary survey of the Sarkisian property, respondent failed to file with the county surveyor a record of his survey related to the land boundaries or property lines in violation of Business and Professions Code section 8762, subdivision (b). A review of subdivision or tract maps on file at the county recorder office revealed that the subject property was created in 1906 from the subdivision of two different tracts. Field surveys performed by respondent and subsequent land surveyors demonstrated that the boundary or property lines of the Sarkisian property and adjoining properties varied from such county records. As such, respondent was required to file a record of survey because his field survey disclosed a material discrepancy in the measurement or placement of boundary or property lines with the information contained in subdivision maps, official maps, or records of survey previously recorded or filed in the office of the county recorder.

10. On or about April 24, 1997, respondent gave Sarkisian a plat or boundary staking map for this property which was incomplete and misleading because respondent failed to note the location of the property in relation to other improvements or homes in the block, failed to show the location of other monuments in the area, failed to show how he established the property boundaries, and failed to show the variation in property location or boundaries from the lot dimensions shown on the original subdivision tract maps. Respondent gave the homeowner a plat or boundary staking map that showed his lot dimensions to be the same as the original tract or record maps when, in fact, respondent knew from his research, field survey, and preliminary drawings that the dimensions he gave on the plat or boundary staking map were not correct.

11. On or about April 27, 1997, respondent failed to note on his plat or boundary staking map that the neighbor's planter curbs were located on or very close to the property lines and thus physically occupied the property line. He also set temporary points or stakes which encroached upon the property and planters of the neighbor.

12. Based on Findings 3 – 5 and 8 – 11 above, respondent's conduct departed from the standard of care and constituted negligence in his practice of land surveying in violation of Business and Professions Code section 8780, subdivision (b).

13. It was not established that, on or about April 24, 1997, respondent violated Business and Professions Code section 8765, subdivision (d), by failing to file a corner record. Respondent was required to have filed a record of survey because his field survey disclosed a material discrepancy of property boundaries that differed from information contained in county recorder's office. In addition, he did not conduct a survey which retraced lines shown on a subdivision map, official map, or record of survey and did not set or reset corners. He placed temporary points or stakes.

14. In this matter, respondent asserts that he was hired only to measure and establish the boundaries of the homeowner's property. He claims he was not hired and did not perform a boundary survey and therefore he was not required to set corners, locate monuments, or file any record of survey. Respondent's contentions are not credible, for his field notes demonstrate that he did perform a field survey and he then prepared and issued a plat map to the property owner that he called a "Boundary Survey". His assertions do not mitigate or extenuate his violations of the Professional Land Surveyor's Act.

15. The costs of investigation and enforcement incurred by the Board in this matter include \$4,652.25 for fees paid to the Attorney General's office and \$1,125 for fees paid to the technical expert for case review and report preparation.

* * * * *

Based on the foregoing findings of fact, the Board for Professional Engineers and Land Surveyors makes the following determination of issues:

LEGAL CONCLUSIONS

1. Grounds exist to revoke or suspend respondent's land surveyor's license pursuant to Business and Professions Code section 8780, subdivision (b), for

negligence in his practice of land surveying in connection with the subject field and boundaries survey, based on Finding 12 above.

2. Grounds exist to revoke or suspend respondent's land surveyor's license pursuant to Business and Professions Code section 8780, subdivision (d), in that respondent violated the following provisions of the Professional Land Surveyor's Act relating to or involving the practice of land surveying:

a. Business and Professions Code section 8772 by failing to set durable tagged monuments at the corners of the subject property, as set forth in Finding 8 above; and

b. Business and Professions Code section 8762, subdivision (b), by failing to file a record of survey with the county surveyor after performing a field and land boundaries survey which disclosed a material discrepancy with the information contained in a subdivision map, official map, or record of survey previously recorded or filed in the office of the county recorder or surveying department, as set forth in Finding 9 above.

3. Grounds exist to direct respondent to pay the reasonable costs of investigation and enforcement of this matter incurred by the Board for Professional Engineers and Land Surveyors pursuant to Business and Professions Code section 125.3, subdivision (a), in that respondent violated provisions of the Professional Land Surveyor's Act, as set forth in Conclusions of Law nos. 1 and 2 and Finding 15 above. The reasonable costs of investigation and enforcement in this matter are deemed to be \$2,500.00. Respondent shall be required to pay restitution to the homeowner as well as costs.

* * * * *

Wherefore, the following Order is hereby made:

ORDER

Land Surveyor's license no. L-7022 and licensing rights previously issued to respondent Nick Kazemi shall be suspended for ninety (90) days, based on Conclusions of Law nos. 1 and 2, jointly and for all; provided, however, said order of suspension shall be stayed and respondent's license placed on probation for three (3) years subject to the following terms and conditions:

1. Respondent shall obey all laws and regulations related to the practice of professional land surveying.

2. Respondent shall submit such special reports as required by the Board for Professional Engineers and Land Surveyors.

3. The period of probation shall be tolled during any time that respondent is practicing exclusively outside the State of California. If, during the period of probation, respondent practices exclusively outside of this state, respondent shall immediately notify the Board in writing.

4. If respondent violates these probationary conditions in any respect, the Board, after giving him notice and opportunity to be heard, may vacate the stay order and reinstate the disciplinary order that was stayed. If, during the period of probation, an accusation or petition to vacate the stay is filed against respondent, or if the matter has been submitted to the Office of Attorney General for such filing, the Board will have continuing jurisdiction until all matters are final, and the period of probation shall be extended until all matters are final.

5. Upon successful completion of all of the probationary conditions and the expiration of the period of probation, respondent's license will be unconditionally restored.

6. Within ninety (90) days of the effective date of this Decision, respondent shall successfully complete and pass the California Laws and Board Rules examination as administered by the Board.

7. Within the first year of probation, respondent shall successfully complete and pass a course in professional ethics approved in advance by the Board or its designee.

8. Within ninety (90) days of the effective date of this Decision, respondent shall pay restitution to Arsen Sarkisian in the sum of four thousand one hundred thirty dollars (\$4,130.00). Said sum includes costs incurred by Sarkisian for the encroachment (\$2,500.00), hiring a surveyor (\$630.00), and retaining, in part, an attorney (\$1,000.00). Respondent shall provide verifiable proof to the Board that he has paid restitution as hereby ordered.

9. During the first two years of probation, respondent shall successfully complete and pass with a grade of "C" or better a minimum of one and a maximum of two college-level courses approved in advance by the Board or its designee. Such courses shall be specifically related to the areas of violation in this matter. For purposes of this probationary condition, "college-level course" shall mean a course offered by a community college or a four-year university of three semester units or the equivalent and shall not include seminars.

10. For any records of survey or corner records found not to have been filed and recorded in this matter, respondent shall file or record, as appropriate, the required records with the proper governmental agency within ninety (90) days of the effective date of this Decision. Respondent shall provide the Board with verifiable proof that the required records have been filed or recorded, as appropriate, with the governmental agency within thirty (30) days of such filing or recordation.

11. During the first two years of probation, respondent shall the sum of \$2,500.00 to the Board for what is hereby deemed its reasonable costs of investigation and enforcement of this matter.

Dated: 9-29-2010

Original Signed

Vincent Nafaryete
Administrative Law Judge
Office of Administrative Hearings

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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:

NICK KAZEMI
4966 Topanga Canyon Boulevard
Woodland Hills, California 91364

Land Surveyor License No. L 7022

Respondent.

Case No. 755-A

A C C U S A T I O N

Complainant alleges:

PARTIES

1. Cindi Christenson, P.E. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board for Professional Engineers and Land Surveyors, Department of Consumer Affairs.
2. On or about February 4, 1994, the Board issued Land Surveyor License No. L 7022 to Nick Kazemi (Respondent). The land surveyor license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2006, unless renewed.

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1 recorder or the county surveying department, or any map or survey record maintained by the
2 Bureau of Land Management of the United States. For purposes of this subdivision, a 'material
3 discrepancy' is limited to a material discrepancy in the position of points or lines, or in
4 dimensions.

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

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

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

16 6. Section 8765 states, in pertinent part:

17 "A record of survey is not required of any survey:

18

19 "(d) When the survey is a retracement of lines shown on a subdivision map,
20 official map, or a record of survey, where no material discrepancies with those records are found
21 and sufficient monumentation is found to establish the precise location of property corners
22 thereon, provided that a corner record is filed for any property corners which are set or reset or
23 found to be of a different character than indicated by prior records. For purposes of this
24 subdivision, a 'material discrepancy' is limited to a material discrepancy in the position of points
25 or lines, or in dimensions."

26 7. Section 8772 states:

27 "Any monument set by a licensed land surveyor or registered civil engineer to
28 mark or reference a point on a property or land line shall be permanently and visibly marked or

1 tagged with the certificate number of the surveyor or civil engineer, setting it, each number to be
2 preceded by the letters 'L.S.' or 'R.C.E.,' respectively, as the case may be or, if the monument is
3 set by a public agency, it shall be marked with the name of the agency and the political
4 subdivision it serves.

5 "Nothing in this section shall prevent the inclusion of other information on the tag
6 which will assist in the tracing or location of the survey records which relate to the tagged
7 monument."

8 8. Section 118, subdivision (b) states:

9 "The suspension, expiration, or forfeiture by operation of law of a license issued
10 by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or
11 by order of a court of law, or its surrender without the written consent of the board, shall not,
12 during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board
13 of its authority to institute or continue a disciplinary proceeding against the licensee upon any
14 ground provided by law or to enter an order suspending or revoking the license or otherwise
15 taking disciplinary action against the licensee on any such ground."

16 9. Section 125.3, subdivision (a), states, in pertinent part:

17 "Except as otherwise provided by law, in any order issued in resolution of a
18 disciplinary proceeding before any board within the department . . . the board may request the
19 administrative law judge to direct a licensee found to have committed a violation or violations
20 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
21 enforcement of the case."

22 ADAMS STREET PROJECT

23 10. On or about April 24, 1997, Respondent entered into an agreement with
24 Anoush Hayrosian and/or Arsen Sarkisian (Hayrosian / Sarkisian) to provide professional land
25 surveying services (a field survey and boundary staking for purposes of constructing a fence and
26 spa) for property located at 123 South Adams Street, in Glendale, California, described as Lot 16,
27 Kate C. Palmer Tract (Lot 16), Map Book 11, page 124, records of Los Angeles County,
28 California.

1 the following acts of negligence in his practice of land surveying while performing a boundary
2 survey of the Adams Street Project:

3 a. Failed to set durable tagged monuments at the property corners of the
4 property.

5 b. Failed to file a Record of Survey or a Corner Record with the County
6 Surveyor.

7 c. Provided Hayrosian / Sarkisian with an incomplete and misleading
8 document, in that the plat map Respondent provided to Hayrosian / Sarkisian failed to note the
9 location of improvements in relation to the property line, failed to show evidence of the
10 relationship to other monuments, failed to show evidence of how Respondent established the
11 boundaries he showed on the map, and failed to show whether there was any variation from the
12 original lot dimensions shown on the 1906 Tract Map.

13 d. Failed to take note of the physical signs of property line occupation (the
14 planter curbs located on or very close to the property line), and review his calculations and
15 measurements for errors.

16 e. Set points which he knew would be relied upon for the construction of
17 improvements which would conflict with or encroach on the planters owned by the neighbor to
18 the north (Lot 15).

19 f. Failed to adhere to the standards of practice and requirements of the Land
20 Surveyor's Act in the face of his client's request for a lesser product.

21 SECOND CAUSE FOR DISCIPLINE

22 (Failure to Set Durable Tagged Monuments)

23 18. Respondent's license is subject to disciplinary action pursuant to Business
24 and Professions Code section 8780, subsection (d), for violation of Business and Professions
25 Code section 8772, in that on the Adams Street Project, Respondent failed to set durable tagged
26 monuments at the corners of the property.

27 THIRD CAUSE FOR DISCIPLINE

28 (Failure to File Record of Survey)

