## 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. 1008-A

OAH No. 2013041049

JACOB ROBERT WRIGHT 8419 Lyndora Street Downey, CA 90242

Land Surveyor License No. L 8717

Respondents.

## **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.

July 12, 20 This Decision shall become effective on June 13, 2013 It is so ORDERED

Original Signed

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

KAMALA D. HARRIS		
Attorney General of California JAMES M. LEDAKIS		
Supervising Deputy Attorney General DAVID E. HAUSFELD		
Deputy Attorney General		
State Bar No. 110639 110 West "A" Street, Suite 1100		
San Diego, CA 92101		
P.O. Box 85266 San Diego, CA 92186-5266		
Telephone: (619) 645-2025		
Facsimile: (619) 645-2061 Attorneys for Complainant		
RFI	FORE THE	
BOARD FOR PROFESSIONAL E	INGINEERS, LAND SURVEYORS, AND	
	DLOGISTS F CONSUMER AFFAIRS	
	FCALIFORNIA	
In the Matter of the Accusation Against:	Case No. 1008-A	
JACOB ROBERT WRIGHT	OAH No. 2013041049	
8419 Lyndora Street Downey, CA 90242	STIPULATED SETTLEMENT AND	
Land Surveyor License No. L 8717	DISCIPLINARY ORDER	
Eand Surveyor Electise No. E 5/17		
Responden	its.	
IT IS HEREBY STIPULATED AND A	AGREED by and between the parties to the above	
entitled proceedings that the following matter	rs are true:	
<u>P</u>	ARTIES	
1. Richard B. Moore, PLS (Compla	inant) 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 David E. Hausfeld, Deputy Attorney General.		
2. Respondent Jacob Robert Wright (Respondent) is representing himself in this		
proceeding and has chosen not to exercise his right to be represented by counsel.		
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	STIPULATED SETTLEMENT (100	

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1	3. On or about January 5, 2010, the Board for Professional Engineers, Land Surveyors,		
2	and Geologists issued Land Surveyor License No. L 8717 to Jacob Robert Wright (Respondent).		
3	The Land Surveyor License was in full force and effect at all times relevant to the charges		
4	brought in Accusation No. 1008-A and will expire on June 30, 2014, unless renewed.		
5	JURISDICTION		
6	4. Accusation No. 1008-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 March 30, 2012. Respondent timely filed his Notice of Defense		
0	contesting the Accusation.		
1	5. A copy of Accusation No. 1008-A is attached as Exhibit A and incorporated herein		
2	by reference.		
3	ADVISEMENT AND WAIVERS		
4	6. Respondent has carefully read, and understands the charges and allegations in		
5	Accusation No. 1008-A. Respondent has also carefully read, and understands the effects of this		
6	Stipulated Settlement and Disciplinary Order.		
7	7. Respondent is fully aware of his legal rights in this matter, including the right to a		
3	hearing on the charges and allegations in the Accusation; the right to be represented by counsel at		
9	his own expense; the right to confront and cross-examine the witnesses against him; the right to		
o	present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compe		
1	the attendance of witnesses and the production of documents; the right to reconsideration and		
2	court review of an adverse decision; and all other rights accorded by the California		
3	Administrative Procedure Act and other applicable laws.		
4	8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and		
25	every right set forth above.		
26	CULPABILITY		
27	9. Respondent admits the truth of each and every charge and allegation in Accusation		
28	No. 1008-A.		
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10. Respondent agrees that his Land Surveyor License is subject to discipline and he 1 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below. 2 3 CONTINGENCY This stipulation shall be subject to approval by the Board for Professional Engineers, 11. 4 Land Surveyors, and Geologists. Respondent understands and agrees that counsel for 5 6 Complainant and the staff of the Board for Professional Engineers, Land Surveyors, and Geologists may communicate directly with the Board regarding this stipulation and settlement, 7 8 without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation 9 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation 10 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or 11 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, 12 and the Board shall not be disgualified from further action by having considered this matter. 13 12. The parties understand and agree that facsimile copies of this Stipulated Settlement 14 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and 15 effect as the originals. 16 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an 17 integrated writing representing the complete, final, and exclusive embodiment of their agreement. 18 It supersedes any and all prior or contemporaneous agreements, understandings, discussions, 19 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary 20 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a 21 writing executed by an authorized representative of each of the parties. 22 23 14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following 24 Disciplinary Order: 25 111 26 27 111 111 28 3

STIPULATED SETTLEMENT (1008-A)

1	DISCIPLINARY ORDER		
2	IT IS HEREBY ORDERED that Land Surveyor License No. L 8717 issued to Respondent		
3	Jacob Robert Wright (Respondent) is revoked. However, the revocation is stayed and		
4	Respondent is placed on probation for three (3) years on the following terms and conditions.		
5	1. Obey All Laws. The Respondent shall obey all federal, state, and local laws and		
6	regulations related to the practices of professional engineering and land surveying.		
7	2. Submit Reports. The Respondent shall submit such special reports as the Board may		
8	require.		
9	3. Tolling of Probation. The period of probation shall be tolled during the time the		
10	Respondent is practicing exclusively outside the state of California. If, during the period of		
11	probation, the Respondent practices exclusively outside the state of California, the Respondent		
12	shall immediately notify the Board in writing.		
13	4. Violation of Probation. If Respondent violates the probationary conditions in any		
14	respect, the Board, after giving the Respondent notice and the opportunity to be heard, may		
15	vacate the stay and reinstate the disciplinary order which was stayed. If, during the period of		
16	probation, an accusation or petition to vacate stay is filed against Respondent, or if the matter has		
17	been submitted to the Office of the Attorney General for the filing of such, the Board shall have		
18	continuing jurisdiction until all matters are final, and the period of probation shall be extended		
19	until all matters are final.		
20	5. Completion of Probation. Upon successful completion of all of the probationary		
21	conditions and the expiration of the period of probation, the Respondent's Land Surveyor License		
22	No. L 8717, shall be unconditionally restored.		
23	6. <b>Cost Recovery.</b> The Respondent is hereby ordered to reimburse the Board the		
24	amount of \$4,905.00 within two and one-half (2 1/2) years from the effective date of the decision		
25	for its investigative and prosecution costs. Said reimbursement may be made in installments,		
26	subject to a payment plan the Board has agreed to in writing.		
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28	111		
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STIPULATED SETTLEMENT (1008-A)

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	7. Examination. Withi	n 60 days of the effective date of the decision, the Respondent	
		ass the California Laws and Board Rules examination, as	
- 11	administered by the Board.		
, 1		pondent shall successfully complete and pass a course in	
		advance by the Board or its designee. This Ethics Course shall	
1 1 1		-half (2 1/2) years from the effective date of the decision.	
,		1 30 days of the effective date of the decision, Respondent shall	
H		that he has provided all persons or entities with whom he has a	
2	Contraction of the second s	onship relating to professional land surveying services with a	
	Manage and the second s	f the Board and shall provide the Board with the name and	
		or entity required to be so notified. During the period of	
2		equired to provide the same notification of each new person or	
3	The part of the set	actual or employment relationship relating to professional land	
	Name of some second systems of the second system in the second system of	(1) and a second se	
	surveying services and shall report to the Board the name and address of each person or entity so		
5	notified.		
5		ACCEPTANCE	
	71 C.N. 4.4 - 0		
3		tipulated Settlement and Disciplinary Order. I understand the	
		nave on my Land Surveyor License. I enter into this Stipulate	
		er voluntarily, knowingly, and intelligently, and agree to be	
	bound by the Decision and Orde	r of the Board for Professional Engineers, Land Surveyors, and	
	Geologists.		
	1.1	Original Signed	
4	DATED: 5/28/2013	TACOB ROBERT WRIGHT	
5		Respondent	
5			
,			
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ENDORSEMENT	
The foregoing Stipulated Settlem	ent and Disciplinary Order is hereby respectfully
submitted for consideration by the Board for Professional Engineers, Land Surveyors, and	
Geologists of the Department of Consumer Affairs.	
Dated: 6/4/13	Respectfully submitted,
	KAMALA D. HARRIS Attorney General of California JAMES M. LEDAKIS
	Supervising Deputy Attorney Genera
	Original Signed
	DAVID E. HAUSFELD Deputy Attorney General
	Attorneys for Complainant
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## Exhibit A

Accusation No. 1008-A

1	KAMALA D. HARRIS		
2	Attorney General of California JAMES M. LEDAKIS		
3	Supervising Deputy Attorney General DAVID E. HAUSFELD		
4	Deputy Attorney General State Bar No. 110639		
5	110 West "A" Street, Suite 1100 San Diego, CA 92101		
6	P.O. Box 85266 San Diego, CA 92186-5266		
7	Telephone: (619) 645-2025 Facsimile: (619) 645-2061		
8	Attorneys for Complainant		
9		RE THE GINEERS, LAND SURVEYORS, AND	
10		OGISTS CONSUMER AFFAIRS	
11		CALIFORNIA	
12	In the Matter of the Accusation Against:	Case No. 1008-A	
13	JACOB ROBERT WRIGHT		
14	8419 Lyndora Street Downey, CA 90242	ACCUSATION	
15	Land Surveyor License No. L 8717		
16	Respondents.		
17			
18	Compleinent elleges		
19	Complainant alleges:	TIES	
20		<u>TIES</u>	
21		nt) brings this Accusation solely in his official	
22	capacity as the Executive Officer of the Board for Professional Engineers, Land Surveyors, and		
23	Geologists, Department of Consumer Affairs.	ard for Professional Engineers L and Surveyors	
24	2. On or about January 5, 2010, the Board for Professional Engineers, Land Surveyors,		
25	and Geologists issued Land Surveyor License Number L 8717 to Jacob Robert Wright (Respondent). The Land Surveyor License was in full force and effect at all times relevant to the		
26	(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, 2012, unless renewed.		
27		0, 2012, unicos fone wed.	
28			
		1 Accusation	

1	JURISDICTION		
2	3. This Accusation is brought before the Board for Professional Engineers, Land		
3	Surveyors, and Geologists (Board), Department of Consumer Affairs, under the authority of the		
4	following laws. All section references are to the Business and Professions Code unless otherwise		
5	indicated.		
6	4. Section 8780 of the Code states, in pertinent part:		
7	"[T]he board may reprove, suspend for a period not to exceed two years, or revoke the		
8	license or certificate of any licensed land surveyor or registered civil engineer, respectively,		
9	licensed under this chapter or registered under the provisions of Chapter 7 (commencing with		
10	Section 6700), whom it finds to be guilty of:		
11	" <b>····</b>		
12	"(d) Any violation of any provision of this chapter or of any other law relating to or		
13	involving the practice of land surveying.		
14	"····		
15	5. Section 118, subdivision (b), of the Code provides that the suspension, expiration,		
16	surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a		
17	disciplinary action during the period within which the license may be renewed, restored, reissued		
18	or reinstated.		
19	STATUTORY PROVISIONS		
20	6. Section 6738 of the Code states, in pertinent part:		
21	(a) This chapter does not prohibit one or more civil, electrical, or mechanical		
22	engineers from practicing or offering to practice, within the scope of their license, civil (including geotechnical and structural), electrical, or mechanical engineering		
23	as a sole proprietorship, partnership, limited liability partnership, firm, or corporation (hereinafter called business), if all of the following requirements are		
24	met:		
25	(3) If the business name of a California engineering business contains the		
26	name of any person, then that person shall be licensed as a professional engineer, a licensed land surveyor, a licensed architect, or a geologist registered under the		
27	Geologist and Geophysicist Act (Chapter 12.5 (commencing with Section 7800)). Any offer, promotion, or advertisement by the business that contains the name of		
28	any individual in the business, other than by use of the name of an individual in the		
	2		
	Accusation		

1	business name, shall clearly and specifically designate the license or registration discipline of each individual named.		
2			
3	7. Section 6787 of the Code states, in pertinent part:		
4	"Every person is guilty of a misdemeanor:		
5	"(a) Who, unless he or she is exempt from licensure under this chapter, practices or offers		
6	to practice civil, electrical, or mechanical engineering in this state according to the provisions of		
7	this chapter without legal authorization.		
8	"····		
9	"(j) Who violates any provision of this chapter."		
10	8. Section 8729 of the Code states, in pertinent part:		
11	(a) This chapter does not prohibit one or more licensed land surveyors or		
12	civil engineers licensed in this state prior to 1982 (hereinafter called civil engineers) from practicing or offering to practice, within the scope of their		
13	licensure, land surveying as a sole proprietorship, partnership, limited liability partnership, firm, or corporation (hereinafter called business), if the following		
14	conditions are satisfied:		
15	(3) If the business name of a California land surveying business contains the		
16	name of a person, then that person shall be licensed by the board as a land surveyor or licensed by the board in any year as a civil engineer. Any offer,		
17	promotion, or advertisement by the business that contains the name of any individual in the business, other than by use of the name of the individual in the		
18	business name, shall clearly and specifically designate the license discipline of each individual named.		
19	••••		
20	9. Section 8792 of the Code states:		
21	"Every person is guilty of a misdemeanor:		
22	"(a) Who, unless he or she is exempt from licensing under this chapter, practices, or offers		
23	to practice, land surveying in this state without legal authorization.		
24	۰۰ <b>۰۰</b>		
25	"(e) Who impersonates or uses the seal of a professional land surveyor.		
26	"····		
27	"(j) Who violates any provision of this chapter."		
28	///		
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	Accusation		

1	COST RECOVERY		
2	10. Section 125.3 of the Code provides, in pertinent part, that the board may request the		
3	administrative law judge to direct a licentiate found to have committed a violation or violations of		
4	the licensing act to pay a sum not to exceed the reasonable costs of the investigation and		
5	enforcement of the case.		
6	CARMEN MEADOWS PROPERTY		
7	11. In or about January of 2005, Respondent acting as a principal for Wright Mapping,		
8	Inc., entered into a contract with Diversified Product Industries, LTD., to provide civil		
9	engineering and surveying services required to complete a final submission for approval to the		
10	County of Riverside for a parcel to be developed in an unincorporated area of Riverside County.		
11	12. Respondent named himself in the contract as a Principal Engineer for Wright		
12	Mapping. At the time the contract was signed Respondent was not licensed as a civil engineer or		
13	land surveyor.		
14	13. Problems arose with the plans submitted to the County by Respondent. These		
15	problems were not resolved and the plans prepared for the project by Respondent were never		
16	approved by the County.		
17	FIRST CAUSE FOR DISCIPLINE		
18	(Offering Civil Engineering Services Without Authorization)		
19	14. Respondent is subject to disciplinary action under Code section 8780 (d) in		
20	conjunction with Code section 6787 (a) in that Respondent offered civil engineering services		
21	without authorization by executing a written contract for civil engineering services, when he did		
22	not possess a civil engineering license, as set forth in paragraphs 11-13 above, which are		
23	incorporated by reference herein.		
24	SECOND CAUSE FOR DISCIPLINE		
25	(Managing a Business Containing the Name of an Unlicensed Civil Engineer)		
26	15. Respondent is subject to disciplinary action under Code section 6787 (j) in		
27	conjunction with Code section 6738 (a) (3) in that Respondent managed a business containing his		
28			
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	Accusation		

1	own name, when he was not licensed as a civil engineer, as set forth in paragraphs 11-13 above,		
2	which are incorporated by reference herein.		
3	THIRD CAUSE FOR DISCIPLINE		
4	(Offering Land Surveying Services Without Authorization)		
5	16. Respondent is subject to disciplinary action under Code section 8780 (d) in		
6	conjunction with Code section 8792 (a) in that Respondent offered land surveying services		
7	without authorization by executing a written contract for land surveying services, when he did not		
8	possess a land surveying license, as set forth in paragraphs 11-13 above, which are incorporated		
9	by reference herein.		
10	FOURTH CAUSE FOR DISCIPLINE		
11	(Managing a Business Containing the Name of an Unlicensed Land Surveyor)		
12	17. Respondent is subject to disciplinary action under Code section 8792 (j) in		
13	conjunction with Code section 8729 (a) (3) in that Respondent managed a business containing his		
14	own name, when he was not licensed as a land surveyor, as set forth in paragraphs 11-13 above,		
15	which are incorporated by reference herein.		
16	INGLEWOOD AVENUE PROPERTY		
17	18. In or about September of 2009, Respondent agreed to provide land surveying services		
18	for Associated Design Consultants for a single family residential property on Inglewood Avenue		
19	in the City of Lawndale, California.		
20	19. The survey of the property was not in compliance with industry standards. At the		
21	time the survey was performed, Respondent was not licensed as a land surveyor.		
22	20. During the survey of the property, Respondent set monument tags of a land surveyor		
23	who died in May of 2006.		
24	FIFTH CAUSE FOR DISCIPLINE		
25	(Offering Land Surveying Services Without Authorization)		
26	21. Respondent is subject to disciplinary action under Code section 8780 (d) in		
27	conjunction with Code section 8792 (a) in that Respondent performed land surveying services		
28	without authorization by performing land surveying services, when he did not possess a land		
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	Accusation		

1	surveying license, as set forth in paragraphs 18-20 above, which are incorporated by reference		
2	herein.		
3	SIXTH CAUSE FOR DISCIPLINE		
4	(Managing a Business Containing the Name of an Unlicensed Land Surveyor)		
5	22. Respondent is subject to disciplinary action under Code section 8792 (j) in		
6	conjunction with Code section 8729 (a) (3) in that Respondent managed a business containing his		
7	own name, when he was not licensed as a land surveyor, as set forth in paragraphs 18-20 above,		
8	which are incorporated by reference herein.		
9	SEVENTH CAUSE FOR DISCIPLINE		
10	(Used the Seal of a Deceased Land Surveyor)		
11	23. Respondent is subject to disciplinary action under Code section 8780 (d) in		
12	conjunction with Code section 8792 (e) in that Respondent performed land surveying services		
13	using monument tags of a land surveyor who died in May of 2006, as set forth in paragraphs 18-		
14	20 above, which are incorporated by reference herein.		
15	PRAYER		
16	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,		
17	and that following the hearing, the Board for Professional Engineers, Land Surveyors, and		
18	Geologists issue a decision:		
19	1. Revoking or suspending Land Surveyor License Number L 8717, issued to Jacob		
20	Robert Wright;		
21	2. Ordering Jacob Robert Wright to pay the Board for Professional Engineers, Land		
22	Surveyors, and Geologists the reasonable costs of the investigation and enforcement of this case,		
23	pursuant to Business and Professions Code section 125.3;		
24	///		
25	///		
26	///		
27	///		
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1	3. Taking such other and t	further action as deemed percent and proper
1	5. Taking such other and	further action as deemed necessary and proper.
2		
3		
4	DATED: <u>3/21/12</u>	Orígínal Sígned RICHARD B. MOORE, PLS
5		Executive Officer
6 7		Board for Professional Engineers, Land Surveyors, and Geologists
8		Department of Consumer Affairs State of California
o 9		Complainant
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