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

In the Matter of the Accusation against:	)	
	)	
CONWAY CECIL COOKE 34658 Linda Rosea Road Temecula, CA 92592	)	Case No. 868-A
	)	
Civil Engineer License No. C 13860 Structural Engineer License No. S 1597,	)	
	)	
Respondent.	)	

DECISION

The attached Stipulated Settlement and Disciplinary Order 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 December 24, 2010.

IT IS SO ORDERED November 17, 2010.

Original Signed

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

EDMUND G. BROWN JR.
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General
SHAWN P. COOK
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Attorneys for Complainant

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

In the Matter of the Accusation Against: **COOKE, CONWAY CECIL** **400 E. Compton Blvd.** **Compton, CA 90221** **Civil Engineer License No. C13860** Respondent.	Case No. 868-A OAH No. L-2010050571 **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. David E. Brown (Complainant) is the Executive Officer of the Board for Professional Engineers and Land Surveyors. He brought this action solely in his official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Shawn P. Cook, Deputy Attorney General.

2. On or about February 15, 1963, the Board for Professional Engineers and Land Surveyors issued Civil Engineer License No. C13860 to Conway Cecil Cooke, (Respondent). The Civil Engineer License was in full force and effect at all times relevant to the charges brought in Accusation No. 868-A and will expire on March 31, 2011, unless renewed.

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JURISDICTION

3. Accusation No. 868-A was filed before the Board for Professional Engineers and Land Surveyors (Board) , Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on December 30, 2009. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 868-A is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

4. Respondent is represented in this proceeding by Roland W. Hall, Sr., Esq., whose address is 800 East Compton Blvd.; Compton, CA 90221. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 79/08-49. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

CULPABILITY

7. Respondent admits the truth of each and every charge and allegation in Accusation No. 868-A.

8. Respondent agrees that his Civil Engineer License is subject to discipline and he agrees to be bound by the Board for Professional Engineers and Land Surveyors (Board) 's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

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

10. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

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

12. Respondent understands and agrees that this action shall be deemed a disciplinary action which shall become part of respondent's license history with the Board.

13. Respondent shall cause to be delivered to the Board the pocket identification cards and wall certificates for the surrendered licenses on or before the effective date of the decision of the Board adopting this stipulation. The Board shall not issue new licenses until the pocket identification cards and wall certificates for the surrendered licenses are received.

14. Respondent agrees not to petition for reinstatement of the surrendered licenses. Respondent understands and agrees that should he wish to practice land surveying in California,

he must apply for licensure as a Land Surveyor and must comply with all the laws, regulations, and procedures for licensure in effect at the time the application is filed, including but not limited to submitting a completed application and the requisite fee and taking and passing the required examination(s). Furthermore, all of the charges and allegations contained in the Accusation shall be deemed to be true, correct, and admitted by Respondent when the licensing agency determines whether to grant or deny the application.

15. In exchange for these agreements, the Board will waive reimbursement of its costs of investigation and prosecution in this matter.

16. 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 Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Civil Engineer License No. C13860 and Structural Engineer Licenses, No. S 1597 are surrendered. The Board will issue to Respondent new Civil and Structural Engineer Licenses that will not include an authorization to practice land surveying. There will be no gap period between the surrender of the aforementioned licenses when Respondent would be unable to engage in the activities authorized by the Licenses, with the exception of land surveying.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Roland W. Hall, Sr., Esq. I understand the stipulation and the effect it will have on my Civil Engineer and Structural Engineer Licenses. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: 8/31/10 Original Signed

COOKE, CONWAY CECIL
Respondent

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

DATED: 8/31/10

Original Signed
Roland W. Hall, Sr., Esq.
Attorney for Respondent

ENDORSEMENT

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

Dated: 9/3/10

Respectfully Submitted,

EDMUND G. BROWN JR.
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General

Original Signed

SHAWN P. COOK
Deputy Attorney General
Attorneys for Complainant

LA2009603676
Stipulation.rtf

Exhibit A

Accusation No. 868-A

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Attorneys for Complainant

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

In the Matter of the Accusation Against: **COOKE, CONWAY CECIL** **34658 Linda Rosea Road** **Temecula, CA 92592** **Civil Engineer License No. C13860** **Structural Engineer License No. S1597** Respondent.	Case No. 868-A **ACCUSATION**

Complainant alleges:

PARTIES

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

2. On or about February 15, 1963, the Board for Professional Engineers and Land Surveyors issued Civil Engineer License Number C13860 to Conway Cecil Cooke (Respondent). The Civil Engineer License was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2011, unless renewed.

3. On or about December 29, 1969, the Board for Professional Engineers and Land Surveyors issued Structural Engineer License Number S1597 to Conway Cecil Cooke

(Respondent). The Structural Engineer License was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2011, unless renewed

JURISDICTION

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

5. Section 6731 provides:

"Civil engineering embraces the following studies or activities in connection with fixed works for irrigation, drainage, waterpower, water supply, flood control, inland waterways, harbors, municipal improvements, railroads, highways, tunnels, airports and airways, purification of water, sewerage, refuse disposal, foundations, grading, framed and homogeneous structures, buildings, or bridges:

. . . .

Civil engineers registered prior to January 1, 1982, shall be authorized to practice all land surveying as defined in Chapter 15 (commencing with Section 8700) of Division 3."

6. Section 8759 provides in pertinent part:

(a) A licensed land surveyor or registered civil engineer authorized to practice land surveying shall use a written contract when contracting to provide professional services to a client pursuant to this chapter. The written contract shall be executed by the licensed land surveyor or registered civil engineer and the client, or his or her representative, prior to the licensed land surveyor or registered civil engineer commencing work, unless the client knowingly states in writing that work may be commenced before the contract is executed. The written contract shall include, but not be limited to, all of the following:

(1) A description of the services to be provided to the client by the licensed land surveyor or registered civil engineer.

(2) A description of any basis of compensation applicable to the contract, and the method of payment agreed upon by the parties.

(3) The name, address, and license or certificate number of the licensed land surveyor or registered civil engineer, and the name and address of the client.

(4) A description of the procedure that the licensed land surveyor or registered civil engineer and the client will use to accommodate additional services.

(5) A description of the procedure to be used by any party to terminate the contract. . . ."

7. Section 8762 provides:

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

(b) Notwithstanding subdivision (a), after making a field survey in conformity with the practice of land surveying, the licensed land surveyor or 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:

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

(2) A material discrepancy with the information contained in any subdivision map, official map, or record of survey previously recorded or filed in the office of the county recorder or the county surveying department, or any map 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.

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

(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.

(d)(1) If the 90-day time limit contained in subdivision (c) cannot be complied with for reasons beyond the control of the licensed land surveyor or licensed civil engineer, the 90-day time period shall be extended until the time at which the reasons for delay are eliminated. If the licensed land surveyor or licensed civil engineer cannot comply with the 90-day time limit, he or she shall, 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.

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

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

(f) If the preparer of the record of survey provides a postage-paid, self-addressed envelope or postcard with the filing of the record of survey, the county recorder shall return the postage-paid, self-addressed envelope or postcard to the preparer of the record of survey with the filing data within 10 days of final filing. For the purposes of this subdivision, "filing data" includes the

date, the book or volume, and the page at which the record of survey is filed with the county recorder.

8. Section 8767 provides:

"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. Section 8780 provides in pertinent part:

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.

. . .

(g) A breach or violation of a contract to provide land surveying services.

(h) A violation in the course of the practice of land surveying of a rule or regulation of unprofessional conduct adopted by the board.

10. Title 16, California Code of Regulations section 415 states:

"A professional engineer or land surveyor licensed under the Code shall practice and perform engineering or land surveying work only in the field or fields in which he/she is by education and/or experience fully competent and proficient.

Nothing in this regulation shall be construed: (1) to prohibit a professional engineer from signing plans which include engineering work in areas other than that in which he/she is fully competent and proficient, if such work was performed by other engineers who were fully competent and proficient in such work; (2) to prohibit a professional engineer from performing engineering work or a land surveyor from performing land surveying work in areas which involve the application of new principles, techniques, ideas or technology; (3) to prohibit a professional engineer from supervising other engineers or a land surveyor from supervising other land surveyors who may respectively be performing engineering work or land surveying work in areas other than those in which the supervising professional engineer or supervising land surveyor is fully competent and proficient; and (4) to prohibit a professional engineer from signing plans which include engineering work, portions of which were designed or required by any governmental agency."

11. California Code of Regulations, Title 16, section 404, subd. (n), states:

"For the sole purpose of investigating complaints and making findings thereon under Sections 6775 and 8780 of the Code, "incompetence" as used in Sections 6775 and 8780 of the Code is defined as the lack of knowledge or ability in discharging professional obligations as a professional engineer or land surveyor."

12. California Code of Regulations, Title 16, section 404, subd.(w), states:

"For the sole purpose of investigating complaints and making findings thereon under Sections 6775 and 8780 of the Code, "negligence" as used in Sections 6775 and 8780 of the Code is defined as the failure of a licensee, in the practice of professional engineering or land surveying, to use the care ordinarily exercised in like cases by duly licensed professional engineers and land surveyors in good standing."

13. Section 118 of the Code states in pertinent part:

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

"(c) As used in this section, 'board' includes an individual who is authorized by any provision of this code to issue, suspend, or revoke a license, and 'license' includes 'certificate,' 'registration,' and 'permit.'"

COST RECOVERY

14. 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.

FIRST CAUSE FOR DISCIPLINE

(Failure to Enter Into Written Contract)

15. Respondent is subject to disciplinary action under section 8780, subd. (d) of the Code in conjunction with section 8759 in that he entered into a verbal agreement to provide land surveying services but failed to enter into a written contract. The circumstances are as follows:

16. In or about 2003, Respondent and Terrence Howard, the property owner of 3000 Victoria Ave. ("Howard") entered into a verbal contract for Respondent to provide the property owner with a property survey. The property owner of the adjacent property located at 3006 Victoria Ave. was Roquel Smith ("Smith"). The survey was to be performed because of a dispute between the two property owners.

17. In or about 2003, Respondent performed the survey and set monuments for the property boundaries. Respondent did not file a record of survey within 90 days as required by section 8762.

18. Respondent failed to file the "first check" of the record of survey with the L.A. County Surveyor until 25 March 2004. Sometime thereafter, the record of survey was returned by the L.A. County Surveyor with corrections.

19. In or about April, 2004, Respondent resubmitted the record of survey to the L.A. County Surveyor. As of June 20, 2005, Respondent had failed to obtain recordation of the record of survey.

20. On or about May 22, 2008, the L.A. County Surveyor returned the record of survey to Respondent for corrections. As of June 2, 2009, Respondent had failed to resubmit the record of survey to the L.A. County Surveyor.

SECOND CAUSE FOR DISCIPLINE

(Failure to File A Record of Survey Within 90 Days)

21. Respondent is subject to disciplinary action under section 8780, subd. (d) of the Code in conjunction with section 8762, subdivision (c), in that he failed to record a record of survey within ninety (90) days. The circumstances are as set forth in the preceding paragraphs 15 through 20 that Complainant hereby incorporates by reference.

THIRD CAUSE FOR DISCIPLINE

(Failure to Resubmit a Record of Survey Within 60 Days)

22. Respondent is subject to disciplinary action under section 8780, subd. (d) of the Code in conjunction with section 8767, in that he failed to resubmit a record a record of survey within sixty (60) days. The circumstances are as set forth in the preceding paragraphs 15 through 20 that Complainant hereby incorporates by reference.

DISCIPLINE CONSIDERATIONS

23. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that on or about March 7, 1994, in a prior disciplinary action entitled In the Matter of the Accusation Against Conway Cecil Cooke, before the Board for Professional Engineers and Land Surveyors, in Case Number Accusation No. 552-A, Respondent's licenses were revoked, with revocation stayed, and Respondent was placed on probation for a period of three years on certain terms and conditions.

24. On or about January 5, 1998, pursuant to the final decision of the Board in the Matter of the Petition to Revoke Probation in Case Number 552-A, the period of probation was extended for one year to January 5, 1999 with certain terms and conditions. Upon successful completion of Respondent's probation, the licenses were fully restored. That decision is now final and is attached hereto as Exhibit "A".

PRAYER

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

1. Revoking or suspending Civil Engineer License Number C13860 and Structural Engineer License Number S1597 issued to Conway Cecil Cooke;

2. Ordering Conway Cecil Cooke to pay the Board for Professional Engineers and Land Surveyors the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 11/25/09

Original Signed

DAVID BROWN
Executive Officer
Board for Professional Engineers and Land Surveyors
Department of Consumer Affairs
State of California
Complainant

LA2009603676
accusation.rtf

Exhibit A
Stipulation for Discipline, Decision and Order
in the Matter of the Petition to Revoke Probation, Case No. 552-A

DANIEL E. LUNGREN, Attorney General
of the State of California
ALAN A. MANGELS, State Bar No. 57690
Deputy Attorney General
ATTORNEY GENERAL'S OFFICE
300 South Spring Street
Los Angeles, California 90013
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Attorneys for Complainant

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

In the Matter of the Petition to Revoke Probation Against: CONWAY CECIL COOKE 505 E. Compton Blvd. Compton, CA 90221 Registration Nos. C 13860 and S 1597, Respondent.	NO. 552-A STIPULATION FOR DISCIPLINE, DECISION AND ORDER

IT IS HEREBY STIPULATED AND AGREED by and between complainant Cindi Christensen, P.E., and respondent Conway Cecil Cooke, as follows:

1. Complainant is the Executive Officer of the Board of Registration for Professional Engineers and Land Surveyors (hereinafter referred to as the board), Department of Consumer Affairs of the State of California, and in her official capacity as the executive officer is empowered to bring a petition to revoke probation against a licensee of the board, and to enter

into this stipulation for presentation to the Board.

2. Complainant is represented in this matter by Daniel E. Lungren, Attorney General of the State of California, by and through Alan A. Mangels, Deputy Attorney General.

3. On February 15, 1963, the board issued to Conway Cecil Cooke Civil Engineer Registration number C 13860 and on December 29, 1969, respondent was granted Structural Engineer Registration number S 1597. Effective March 7, 1994 in Board Decision and Order No. 552-A, respondent was placed on probation, following a stay of an order of revocation, for a period of three years upon various terms and conditions (said Decision and Order are attached hereto and made a part hereof). Other than the probation, at all times relevant herein, respondent's registrations have been in full force and effect.

4. On March 5, 1997, complainant in her official capacity and not otherwise filed petition to revoke probation number 552-A against respondent, alleging among other things, violation of Probation Condition No. C. (Said Petition No. 552A is attached hereto and made a part hereof as if set forth in full at this point). The petition is currently pending before the board.

5. The Petition, together with all other statutorily required documents, was properly served on the respondent on March 12, 1997. Respondent filed his Notice of Defense to the Petition on March 27, 1997.

6. Complainant and respondent are desirous of resolving this matter without a hearing or further administrative

proceedings and respondent understands the nature of the petition.

7. Respondent further understands that a hearing could be held before the board to determine the sufficiency and the truth of the Petition, and the propriety of any penalty to be imposed by the board, and that by entering into this stipulation respondent gives up the right to a hearing before the board and the right to present legal and factual issues to the board for its consideration.

8. Respondent understands that he has the right to use compulsory process to compel the attendance of witnesses and to compel production of documentary evidence. Respondent understands that by entering into this stipulation he gives up the right to compulsory process.

9. Respondent understands that he has the right to present relevant testimony and exhibits, matters in mitigation, including exculpatory evidence, and to rebut the evidence against him. By entering into this stipulation, respondent gives up the right to call witnesses or introduce evidence on his behalf or to rebut the evidence against him.

10. Respondent understands that no hearing will be held, no witnesses will be called, and no evidence or documents will be introduced. The board in making its decision or order in connection with this accusation will only have before it the accusation and this stipulation; that by entering into this stipulation, respondent gives up the right to confront and cross-examine any and all witnesses.

11. Respondent understands that by entering into this stipulation, he gives up the right to seek reconsideration of the Board's decision and/or to appeal to the courts of the State of California any adverse decision or order of the board in connection with this accusation. Respondent further understands that by entering into this stipulation the board may enter a final non reviewable decision or order in connection with this accusation.

12. Respondent understands that as a direct consequence of making the admissions and waivers contained in this stipulation, the board will issue a decision and order disciplining respondent's Civil Engineer and Structural Engineer Registrations.

13. Respondent understands that as a direct consequence of making the admissions and waivers contained in this stipulation, complainant has established all the violations of law alleged in the accusation without the need of introducing oral or documentary evidence at an administrative hearing.

14. Respondent has not been forced, coerced, threatened, or induced in any way to enter into this stipulation; that he freely and voluntarily enters into this stipulation with the full knowledge of its consequence and effect.

15. Respondent admits the allegations contained in paragraphs 1, 2, 3, and 4 of the petition currently pending before the board but has also completed the required course with a grade of "B" as of the end of the Spring semester at Cal-State University, Long Beach.

16. The terms of this stipulation shall be subject to approval by the board. If the board fails to approve this stipulation, the admissions and waivers made by the parties herein are made null and void.

In consideration of the foregoing stipulations, the parties stipulate and agree that the Board shall, without further notice or formal proceeding, issue and enter the following order:

DISCIPLINARY ORDER

WHEREFORE IT IS FURTHER STIPULATED AND AGREED by and between the parties that the board may issue the following findings of fact, determination of issues, and disciplinary order as its decision and order in connection with accusation number 552-A.

1. Respondent Conway Cecil Cooke violated Condition C of his probation and cause for revocation of Conway Cecil Cooke's registrations exists for this violation. The Civil Engineer Registration number C 13860 and The Structural Engineer Registration number S 1597 issued to Conway Cecil Cooke are hereby revoked. However, revocation is stayed and respondent is placed on probation for a period of one (1) year beginning on the effective date of this decision and order, upon each and all of the following terms and conditions.

A. Respondent shall file written reports with the board during the period of probation, under penalty of perjury, in a form and manner as directed by the board.

B. Respondent shall obey all state laws and regulations related to the practice of land surveying

and professional engineering.

C. Respondent shall immediately notify the Board of any and all changes of address.

Respondent shall provide the Board not later than 30 days after the decision becomes effective with evidence that he has notified all clients and employers with whom he has a current or continuing contractual or employment relationship of the violation, finding, and the discipline imposed and to provide the Board with the name and business address of each person required to be notified.

D. Within six months from the effective date of the Board's decision, respondent shall reimburse the Board $950.00 for the cost of investigation and enforcement of this case. Respondent shall be permitted to reimburse the Board in equal monthly installments.

E. In the event respondent should leave California to reside or conduct business outside of the State, respondent must notify the board, in writing, of the dates of departure and return. Periods of residence outside the State of California shall not be applied towards the reduction of the probationary period. The period of probation shall be tolled during absence from the State

F. If respondent violates probation in any respect, the Board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation, petition to revoke probation, or petition to vacate

stay is filed during the term of probation, the board shall continue to have jurisdiction until the matter is final.

G. Upon successful completion of probation, respondent's registration shall be fully restored, and the stay of revocation or suspension shall become permanent.

DATED: 24 Sept 97.

CINDI CHRISTENSEN, P.E.
Executive Officer
Board of Registration for
Professional Engineers and
Land Surveyors

Complainant

By: Original Signed
ALAN A. ~~MANGELS~~
Deputy Attorney General

Attorney for Complainant

Original Signed
CONWAY CECIL COOKE
Respondent

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DECISION AND ORDER

The Board of Registration for Professional Engineers and Land Surveyors hereby adopts this stipulation as its decision and order in this matter. This decision and order shall be effective on the 5th, day of January, 1998.

Original Signed

DATED: December 4, 1997.

THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

AAM:jdz
03551110-LA97AD0258
a:\cooke.aam

DANIEL E. LUNGREN, Attorney General
of the State of California
HOOMAN ROWSHAN,
Deputy Attorney General
300 South Spring Street
Los Angeles, CA 90013
Telephone: (213) 897-2574

Attorneys for Complainant

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

In the Matter of the Accusation Against: CONWAY CECIL COOKE 34658 Linda Rosa Road Temecula, CA 92529 Registration Numbers: C 13860 and S 1597 Respondent.	NO. 552-A STIPULATION FOR DISCIPLINE, DECISION AND ORDER

IT IS HEREBY STIPULATED AND AGREED by and between complainant Harold L. Turner, and respondent Conway Cecil Cooke, as follows:

1. Complainant is the Executive Officer of the Board of Registration for Professional Engineers and Land Surveyors (hereinafter referred to as the board), Department of Consumer Affairs of the State of California, and in his official capacity as the executive officer is empowered to bring an accusation for discipline against a licensee of the board, and to enter into this stipulation for discipline.

2. Complainant is represented in this matter by Daniel E. Lungren, Attorney General of the State of California, by and through Hooman Rowshan, Deputy Attorney General.

3. On February 15, 1963, the board issued to Conway Cecil Cooke Civil Engineer Registration number C 13860 and on December 29, 1969, respondent was granted Structural Engineer Registration number S 1597. Said registrations were in full force and effect at all time pertinent herein.

4. Respondent is represented by Roland W. Hall, Sr., Attorney At Law, 800 East Compton Boulevard, Compton, California 90221.

5. On June 29, 1993, complainant in his official capacity and not otherwise filed accusation number 552-A against respondent, alleging among other things, violations of Business and Professions Code sections 8780. The accusation is currently pending before the board.

6. The accusation, together with all other statutorily required documents, was properly served on the respondent on July 8, 1993. Respondent filed his Notice of Defense to the accusation on July 27, 1993.

7. Complainant and respondent are desirous of resolving this matter without a hearing or further administrative proceedings.

8. Respondent understands the nature of the accusation.

9. Respondent understands that a hearing could be held before the board to determine the sufficiency and the truth

of the accusation, and the propriety of any penalty to be imposed by the board, and that by entering into this stipulation respondent gives up the right to a hearing before the board and the right to present legal and factual issues to the board for its consideration.

10. Respondent understands that he has the right to use compulsory process to compel the attendance of witnesses and to compel production of documentary evidence. Respondent understands that by entering into this stipulation he gives up the right to compulsory process.

11. Respondent understands that he has the right to present relevant testimony and exhibits, matters in mitigation, including exculpatory evidence, and to rebut the evidence against him. By entering into this stipulation, respondent gives up the right to call witnesses or introduce evidence on his behalf or to rebut the evidence against him.

12. Respondent understands that no hearing will be held, no witnesses will be called, and no evidence or documents will be introduced. The board in making its decision or order in connection with this accusation will only have before it the accusation and this stipulation; that by entering into this stipulation, respondent gives up the right to confront and cross-examine any and all witnesses.

13. Respondent understands that by entering into this stipulation, he gives up the right to seek reconsideration of the Board's decision and/or to appeal to the courts of the State of California any adverse decision or order of the board in

connection with this accusation. Respondent further understands that by entering into this stipulation the board may enter a final nonreviewable decision or order in connection with this accusation.

14. Respondent understands that as a direct consequence of making the admissions and waivers contained in this stipulation, the board will issue a decision and order disciplining respondent's Civil Engineer and Structural Engineer Registrations.

15. Respondent understands that as a direct consequence of making the admissions and waivers contained in this stipulation, complainant has established all the violations of law alleged in the accusation without the need of introducing oral or documentary evidence at an administrative hearing.

16. Respondent has not been forced, coerced, threatened, or induced in any way to enter into this stipulation; that he freely and voluntarily enters into this stipulation with the full knowledge of its consequence and effect.

17. Respondent admits the allegations contained in paragraph 5 of the accusation currently pending before the Board.

18. Respondent admits that he knew of and participated in these acts constituting grounds for discipline.

19. The terms of this stipulation shall be subject to approval by the board. If the board fails to approve this stipulation, the admissions and waivers made by the parties herein are made null and void.

In consideration of the foregoing stipulations, the

parties stipulate and agree that the Board shall, without further notice or formal proceeding, issue and enter the following order:

DISCIPLINARY ORDER

WHEREFORE IT IS FURTHER STIPULATED AND AGREED by and between the parties that the board may issue the following findings of fact, determination of issues, and disciplinary order as its decision and order in connection with accusation number 552-A.

1. Respondent Conway Cecil Cooke violated Business and Professions Code section 8780 and cause for revocation of Conway Cecil Cooke's registrations exists under this section. The Civil Engineer Registration number C 13860 and The Structural Engineer Registration number S 1597 issued to Conway Cecil Cooke are hereby revoked. However, revocation is stayed and respondent is placed on probation for a period of three (3) years beginning on the effective date of this decision and order, upon each and all of the following terms and conditions.

A. As part of probation, the Civil Engineer Registration number C 13860 and The Structural Engineer Registration number S 1597, issued to Conway Cecil Cooke are actually suspended for forty five (45) calendar days from and after the effective date of this decision and order.

B. Respondent shall file written reports with the board during the period of probation, under penalty of perjury, in a form and manner as directed by the board.

C. Within two years of the effective date of the Board's decision, respondent shall complete, with a grade of "C"

or better, two college-level land surveying courses approved in advance by the Board or its designee. Said course must specifically relate to the area of violation. Respondent shall not be permitted to resume the practice of land surveying until the educational requirements set forth herein have been satisfied.

D. Respondents shall obey all state laws and regulations related to the practice of land surveying and professional engineering.

E. Respondents shall immediately notify the Board of any and all changes of address.

Respondent shall provide the Board not later than 30 days after the decision becomes effective with evidence that he has notified all clients and employers with whom he has a current or continuing contractual or employment relationship of the violation, finding, and the discipline imposed and to provide the Board with the name and business address of each person required to be notified.

F. Within two years from the effective date of the Board's decision, respondent shall reimburse the Board $4,679.00 for the cost of investigation and enforcement of this case. Respondent shall be permitted to reimburse the Board in equal monthly installments.

G. In the event respondent should leave California to reside or conduct business outside of the State, respondent must notify the Board, in writing, of the dates of departure and return. Periods of residence outside the State of California

shall not be applied towards the reduction of the probationary period. The period of probation shall be tolled during absence from the State.

H. If respondent violates probation in any respect, the Board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation, petition to revoke probation, or petition to vacate stay is filed during the term of probation, the board shall continue to have jurisdiction until the matter is final.

7. Upon successful completion of probation, respondent's registration shall be fully restored, and the stay of revocation or suspension shall become permanent.

Dated: 1/11/94

HAROLD L. TURNER
Executive Officer
Board of Registration for
Professional Engineers and
Land Surveyors

Complainant

By: Original Signed
~~HOOMAN ROWSHAN~~
Deputy Attorney General

Attorney for Complainant

Approved as to Form:

Original Signed
Roland W. Hall, Sr.
Attorney for the Respondent

Original Signed
Conway Cecil Cooke
Respondent

DECISION AND ORDER

The Board of Registration for Professional Engineers and Land Surveyors hereby adopts this stipulation as its decision and order in this matter. This decision and order shall be effective on the 7th day of March, 1994.

Dated: February 4, 1994

Original Signed

THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

HR:kg
Cooke.ple

DANIEL E. LUNGREN, Attorney General
of the State of California
HOOMAN ROWSHAN,
Deputy Attorney General
300 South Spring Street
Los Angeles, CA 90013
Telephone: (213) 897-2574

Attorneys for Complainant

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

In the Matter of the Accusation Against: CONWAY CECIL COOKE 34658 Linda Rosea Road Temecula, California 92592 Registration Numbers C 13860 S 1597 Respondent.	NO. 552-A ACCUSATION

The Complainant alleges:

1. Complainant, Harold L. Turner, is the Executive Officer of the California State Board of Registration for Professional Engineers and Land Surveyors (hereinafter the "Board") and brings this accusation solely in his official capacity.

2. On or about February 15, 1963, the Board issued to Conway Cecil Cook (hereinafter "respondent") Civil Engineer Registration Number C 13860 and on December 29, 1969, Respondent

was granted Structural Engineer Registration Number S 1597. At all times relevant herein, Respondent's Registrations have been in full force and effect.

3. Business and Professions Code section 8780 provides that the Board may revoke the license or certificate or suspend for a period not to exceed two years the license or certificate of any licensed land surveyor or registered civil engineer.

4. Business and Professions Code section 8780(a) provides that the Board may take disciplinary action against a licensee for negligence in the practice of land surveying.

5. Respondent is subject to discipline under Business and Professions Code sections 8780 and 8780(a), for negligence within the scope of Business and Professions Code section 8780(a), by reason of the following facts:

THE GREENWICH VILLAGE SURVEY

A. In 1987, Respondent was retained by Mark Jensen to prepare a lot line adjustment for Lot 30, a portion of Lot 31, a portion of Lot 32, and a portion of Parcel F in Block 22 of Greenwich Village in the City of Thousand Oaks, California. The recorded and sealed plat prepared by the respondent contained incomplete and inaccurate information as follows:

1. "Rancho El Conejo tract" rather than "Greenwich Village."
2. There is no identified basis of bearing.
3. The rotation of 11 M.R. 71 bearings

cannot be identified.

4. Parcel A does not close.

5. Parcel B does not close.

6. The area of Parcel A is incorrect.

7. The area of Parcel B is incorrect.

8. The bearing of N33 degrees and 55 minutes is incomplete.

9. Numbers on the state right of way bearing are transposed.

10. Several numbers are very difficult to read.

B. Respondent prepared and released erroneous legal descriptions for the parcels of land under his review.

C. Respondent failed to correct the legal description of the parcels under his review even after he was notified of the errors by a land title company.

D. Respondent's preliminary working papers failed to include the appropriate warning statement to alert the users not to rely on that information.

E. Respondent failed to protect against the accidental release of his preliminary working papers.

F. The acts as alleged above, is a departure from the ordinary standard of practice in the land surveying profession, in violation of Business and Professions Code sections 8780 and 8780(a).

//

THE WYANDOTTE STREET; TRACT 43463 MONUMENTS

A. In 1986, Respondent contracted with Walter Pallock to survey a lot, set monuments, and file a tract map. Respondent failed to set the monuments after the recordation of the map and numerous request from the City of Los Angeles.

B. The act as alleged above is a departure from the ordinary standard of practice in the land surveying profession, in violation of Business and Professions Code sections 8780 and 8780(a).

WHEREFORE, complainant prays that a hearing be held and that the Board makes its order:

1. Revoking or suspending license numbers C 13860 and S 1597 issued to Conway Cecil Cooke;

2. Directing Conway Cecil Cooke to pay to the Board of Registration for Professional Engineers and Land Surveyors the reasonable costs of the investigation and prosecution of this matter, pursuant to Business and Professions Code section 125.3.

3. Taking such other and further action as may be deemed proper and appropriate.

DATED: June 29, 1993

Original Signed

Harold L. Turner
Executive Officer
Board of Registration for Professional Engineers and Land Surveyors
Department of Consumer Affairs
State of California

Complainant

cooke.brpels

PETITION TO REVOKE PROBATION

DANIEL E. LUNGREN, Attorney General
of the State of California
ALAN A. MANGELS, State Bar No. 57690
Deputy Attorney General
California Department of Justice
300 South Spring Street, Suite 500
Los Angeles, California 90013

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

In the Matter of the Accusation Against:	No. 552-A
CONWAY CECIL COOKE **34658 Linda Rosea Road** **Temecula, CA 92592** **Registration Numbers C 13860** **S 1597** **Respondent.**	PETITION TO REVOKE PROBATION

The complainant alleges:

1. Complainant, Cindi Christenson, P.E., is the Executive Officer of the California State Board of Registration for Professional Engineers and Land Surveyors (hereinafter the "Board") and brings this Petition to Revoke Probation solely in her official capacity.

2. On or about February 15, 1963, the Board issued to Conway Cecil Cooke (hereinafter "respondent") Civil Engineer Registration Number C 13860 and on December 29, 1969, respondent was granted Structural Engineer Registration Number S 1597.

Effective March 7, 1994 in Board Decision and Order No. 552-A, respondent was placed on probation, following a stay of an order of revocation, for a period of three years upon various terms and conditions (said Decision and Order are attached hereto and made a part hereof). Other than the probation, at all times relevant herein, respondent's registrations have been in full force and effect.

3. Condition of Probation No. C in Board Decision No. 552-A provides, that respondent shall complete within two years of the effective date of the Board's decision with a grade of "C" or better, two college-level land surveying courses approved in advance by the Board.

4. Respondent's stay of revocation and imposition of probation should be terminated and the order of revocation imposed by reason of the fact the respondent has failed to complete two pre-approved college-level land surveying courses with a grade of "C" or better during neither the period of probation nor during the first two years of probation.

WHEREFORE, complainant prays that a hearing be held and that the Board makes its order:

1. Terminating the stay of the order of revocation and probation issued in Board Decision No. 552-A;

2. Reimposing the order of revocation previously stayed in Board Decision No. 552-A; and

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/

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3. Revoking or suspending license numbers C 13860 and S 1597 issued to Conway Cecil Cooke.

4. Taking such other and further action as may be deemed proper and appropriate.

March 5, 1997

Original Signed

CINDI CHRISTENSON, P.E.
Executive Officer
Board of Registration for Professional Engineers and Land Surveyors
Department of Consumer Affairs
State of California

Complainant

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AAM:jdz
a:\cooke

DANIEL E. LUNGREN, Attorney General
of the State of California
HOOMAN ROWSHAN,
Deputy Attorney General
300 South Spring Street
Los Angeles, CA 90013
Telephone: (213) 897-2574

Attorneys for Complainant

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

In the Matter of the Accusation Against: CONWAY CECIL COOKE 34658 Linda Rosa Road Temecula, CA 92529 Registration Numbers: C 13860 and S 1597 Respondent.	NO. 552-A STIPULATION FOR DISCIPLINE, DECISION AND ORDER

IT IS HEREBY STIPULATED AND AGREED by and between complainant Harold L. Turner, and respondent Conway Cecil Cooke, as follows:

1. Complainant is the Executive Officer of the Board of Registration for Professional Engineers and Land Surveyors (hereinafter referred to as the board), Department of Consumer Affairs of the State of California, and in his official capacity as the executive officer is empowered to bring an accusation for discipline against a licensee of the board, and to enter into this stipulation for discipline.

2. Complainant is represented in this matter by Daniel E. Lungren, Attorney General of the State of California, by and through Hooman Rowshan, Deputy Attorney General.

3. On February 15, 1963, the board issued to Conway Cecil Cooke Civil Engineer Registration number C 13860 and on December 29, 1969, respondent was granted Structural Engineer Registration number S 1597. Said registrations were in full force and effect at all time pertinent herein.

4. Respondent is represented by Roland W. Hall, Sr., Attorney At Law, 800 East Compton Boulevard, Compton, California 90221.

5. On June 29, 1993, complainant in his official capacity and not otherwise filed accusation number 552-A against respondent, alleging among other things, violations of Business and Professions Code sections 8780. The accusation is currently pending before the board.

6. The accusation, together with all other statutorily required documents, was properly served on the respondent on July 8, 1993. Respondent filed his Notice of Defense to the accusation on July 27, 1993.

7. Complainant and respondent are desirous of resolving this matter without a hearing or further administrative proceedings.

8. Respondent understands the nature of the accusation.

9. Respondent understands that a hearing could be held before the board to determine the sufficiency and the truth

of the accusation, and the propriety of any penalty to be imposed by the board, and that by entering into this stipulation respondent gives up the right to a hearing before the board and the right to present legal and factual issues to the board for its consideration.

10. Respondent understands that he has the right to use compulsory process to compel the attendance of witnesses and to compel production of documentary evidence. Respondent understands that by entering into this stipulation he gives up the right to compulsory process.

11. Respondent understands that he has the right to present relevant testimony and exhibits, matters in mitigation, including exculpatory evidence, and to rebut the evidence against him. By entering into this stipulation, respondent gives up the right to call witnesses or introduce evidence on his behalf or to rebut the evidence against him.

12. Respondent understands that no hearing will be held, no witnesses will be called, and no evidence or documents will be introduced. The board in making its decision or order in connection with this accusation will only have before it the accusation and this stipulation; that by entering into this stipulation, respondent gives up the right to confront and cross-examine any and all witnesses.

13. Respondent understands that by entering into this stipulation, he gives up the right to seek reconsideration of the Board's decision and/or to appeal to the courts of the State of California any adverse decision or order of the board in

connection with this accusation. Respondent further understands that by entering into this stipulation the board may enter a final nonreviewable decision or order in connection with this accusation.

14. Respondent understands that as a direct consequence of making the admissions and waivers contained in this stipulation, the board will issue a decision and order disciplining respondent's Civil Engineer and Structural Engineer Registrations.

15. Respondent understands that as a direct consequence of making the admissions and waivers contained in this stipulation, complainant has established all the violations of law alleged in the accusation without the need of introducing oral or documentary evidence at an administrative hearing.

16. Respondent has not been forced, coerced, threatened, or induced in any way to enter into this stipulation; that he freely and voluntarily enters into this stipulation with the full knowledge of its consequence and effect.

17. Respondent admits the allegations contained in paragraph 5 of the accusation currently pending before the Board.

18. Respondent admits that he knew of and participated in these acts constituting grounds for discipline.

19. The terms of this stipulation shall be subject to approval by the board. If the board fails to approve this stipulation, the admissions and waivers made by the parties herein are made null and void.

In consideration of the foregoing stipulations, the

parties stipulate and agree that the Board shall, without further notice or formal proceeding, issue and enter the following order:

DISCIPLINARY ORDER

WHEREFORE IT IS FURTHER STIPULATED AND AGREED by and between the parties that the board may issue the following findings of fact, determination of issues, and disciplinary order as its decision and order in connection with accusation number 552-A.

1. Respondent Conway Cecil Cooke violated Business and Professions Code section 8780 and cause for revocation of Conway Cecil Cooke's registrations exists under this section. The Civil Engineer Registration number C 13860 and The Structural Engineer Registration number S 1597 issued to Conway Cecil Cooke are hereby revoked. However, revocation is stayed and respondent is placed on probation for a period of three (3) years beginning on the effective date of this decision and order, upon each and all of the following terms and conditions.

A. As part of probation, the Civil Engineer Registration number C 13860 and The Structural Engineer Registration number S 1597, issued to Conway Cecil Cooke are actually suspended for forty five (45) calendar days from and after the effective date of this decision and order.

B. Respondent shall file written reports with the board during the period of probation, under penalty of perjury, in a form and manner as directed by the board.

C. Within two years of the effective date of the Board's decision, respondent shall complete, with a grade of "C"

or better, two college-level land surveying courses approved in advance by the Board or its designee. Said course must specifically relate to the area of violation. Respondent shall not be permitted to resume the practice of land surveying until the educational requirements set forth herein have been satisfied.

D. Respondents shall obey all state laws and regulations related to the practice of land surveying and professional engineering.

E. Respondents shall immediately notify the Board of any and all changes of address.

Respondent shall provide the Board not later than 30 days after the decision becomes effective with evidence that he has notified all clients and employers with whom he has a current or continuing contractual or employment relationship of the violation, finding, and the discipline imposed and to provide the Board with the name and business address of each person required to be notified.

F. Within two years from the effective date of the Board's decision, respondent shall reimburse the Board $4,679.00 for the cost of investigation and enforcement of this case. Respondent shall be permitted to reimburse the Board in equal monthly installments.

G. In the event respondent should leave California to reside or conduct business outside of the State, respondent must notify the Board, in writing, of the dates of departure and return. Periods of residence outside the State of California

shall not be applied towards the reduction of the probationary period. The period of probation shall be tolled during absence from the State.

H. If respondent violates probation in any respect, the Board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation, petition to revoke probation, or petition to vacate stay is filed during the term of probation, the board shall continue to have jurisdiction until the matter is final.

7. Upon successful completion of probation, respondent's registration shall be fully restored, and the stay of revocation or suspension shall become permanent.

Dated: 1/11/94

HAROLD L. TURNER
Executive Officer
Board of Registration for
Professional Engineers and
Land Surveyors

Complainant

By: Original Signed
HOOMAN ROWSHAN
Deputy Attorney General

Attorney for Complainant

Approved as to Form:

Original Signed
Roland W. Hall, Sr.
Attorney for the Respondent

Original Signed
Conway Cecil Cooke
Respondent

DECISION AND ORDER

The Board of Registration for Professional Engineers and Land Surveyors hereby adopts this stipulation as its decision and order in this matter. This decision and order shall be effective on the 7th day of March, 1994.

Dated: February 4, 1994

Original Signed

THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

HR:kg
Cooke.ple

DANIEL E. LUNGREN, Attorney General
of the State of California
HOOMAN ROWSHAN,
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Attorneys for Complainant

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

In the Matter of the Accusation Against: CONWAY CECIL COOKE 34658 Linda Rosea Road Temecula, California 92592 Registration Numbers C 13860 S 1597 Respondent.	NO. 552-A ACCUSATION

The Complainant alleges:

1. Complainant, Harold L. Turner, is the Executive Officer of the California State Board of Registration for Professional Engineers and Land Surveyors (hereinafter the "Board") and brings this accusation solely in his official capacity.

2. On or about February 15, 1963, the Board issued to Conway Cecil Cook (hereinafter "respondent") Civil Engineer Registration Number C 13860 and on December 29, 1969, Respondent

was granted Structural Engineer Registration Number S 1597. At all times relevant herein, Respondent's Registrations have been in full force and effect.

3. Business and Professions Code section 8780 provides that the Board may revoke the license or certificate or suspend for a period not to exceed two years the license or certificate of any licensed land surveyor or registered civil engineer.

4. Business and Professions Code section 8780(a) provides that the Board may take disciplinary action against a licensee for negligence in the practice of land surveying.

5. Respondent is subject to discipline under Business and Professions Code sections 8780 and 8780(a), for negligence within the scope of Business and Professions Code section 8780(a), by reason of the following facts:

THE GREENWICH VILLAGE SURVEY

A. In 1987, Respondent was retained by Mark Jensen to prepare a lot line adjustment for Lot 30, a portion of Lot 31, a portion of Lot 32, and a portion of Parcel F in Block 22 of Greenwich Village in the City of Thousand Oaks, California. The recorded and sealed plat prepared by the respondent contained incomplete and inaccurate information as follows:

1. "Rancho El Conejo tract" rather than "Greenwich Village."

2. There is no identified basis of bearing.

3. The rotation of 11 M.R. 71 bearings

cannot be identified.

4. Parcel A does not close.

5. Parcel B does not close.

6. The area of Parcel A is incorrect.

7. The area of Parcel B is incorrect.

8. The bearing of N33 degrees and 55 minutes is incomplete.

9. Numbers on the state right of way bearing are transposed.

10. Several numbers are very difficult to read.

B. Respondent prepared and released erroneous legal descriptions for the parcels of land under his review.

C. Respondent failed to correct the legal description of the parcels under his review even after he was notified of the errors by a land title company.

D. Respondent's preliminary working papers failed to include the appropriate warning statement to alert the users not to rely on that information.

E. Respondent failed to protect against the accidental release of his preliminary working papers.

F. The acts as alleged above, is a departure from the ordinary standard of practice in the land surveying profession, in violation of Business and Professions Code sections 8780 and 8780(a).

//

THE WYANDOTTE STREET; TRACT 43463 MONUMENTS

A. In 1986, Respondent contracted with Walter Pallock to survey a lot, set monuments, and file a tract map. Respondent failed to set the monuments after the recordation of the map and numerous request from the City of Los Angeles.

B. The act as alleged above is a departure from the ordinary standard of practice in the land surveying profession, in violation of Business and Professions Code sections 8780 and 8780(a).

WHEREFORE, complainant prays that a hearing be held and that the Board makes its order:

1. Revoking or suspending license numbers C 13860 and S 1597 issued to Conway Cecil Cooke;

2. Directing Conway Cecil Cooke to pay to the Board of Registration for Professional Engineers and Land Surveyors the reasonable costs of the investigation and prosecution of this matter, pursuant to Business and Professions Code section 125.3.

3. Taking such other and further action as may be deemed proper and appropriate.

DATED: June 29, 1993

Original Signed

Harold L. Turner
Executive Officer
Board of Registration for Professional Engineers and Land Surveyors
Department of Consumer Affairs
State of California

Complainant

cooke.brpels