

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)

Civil Engineer License No. C 13860)

Structural Engineer License No. S 1597,)

Respondent.)

Case No. 868-A

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

1 EDMUND G. BROWN JR.
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 SHAWN P. COOK
Deputy Attorney General
4 State Bar No. 117851
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-9954
6 Facsimile: (213) 897-2804
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 Accusation Against:

Case No. 868-A

11 **COOKE, CONWAY CECIL**
12 **400 E. Compton Blvd.**
13 **Compton, CA 90221**
Civil Engineer License No. C13860

OAH No. L-2010050571

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Respondent.
15

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

18 PARTIES

19 1. David E. Brown (Complainant) is the Executive Officer of the Board for Professional
20 Engineers and Land Surveyors. He brought this action solely in his official capacity and is
21 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
22 by Shawn P. Cook, Deputy Attorney General.

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

27 ///

28 ///

1

2

8

9

4

1

3

1

5

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,

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

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

9 16. In consideration of the foregoing admissions and stipulations, the parties agree that
10 the Board may, without further notice or formal proceeding, issue and enter the following
11 Disciplinary Order:

12 **DISCIPLINARY ORDER**

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

19 **ACCEPTANCE**

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

25 DATED: 08/31/10

Original Signed

26 COOKE, CONWAY CECIL
27 Respondent
28

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

4 DATED: 8/31/10

Original Signed

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

7 ENDORSEMENT

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

11 Dated: 9/3/10

Respectfully Submitted,

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

Original Signed

16 SHAWN P. COOK
17 Deputy Attorney General
Attorneys for Complainant

19 LA2009603676
20 Stipulation.rtf

Exhibit A

Accusation No. 868-A

1 EDMUND G. BROWN JR.
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 SHAWN P. COOK
Deputy Attorney General
4 State Bar No. 117851
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-9954
6 Facsimile: (213) 897-2804
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 Accusation Against:

Case No. 868-A

11 **COOKE, CONWAY CECIL**
12 **34658 Linda Rosea Road**
13 **Temecula, CA 92592**
14 **Civil Engineer License No. C13860**
Structural Engineer License No. S1597

A C C U S A T I O N

15 Respondent.
16

17 Complainant alleges:

18 **PARTIES**

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

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

26 3. On or about December 29, 1969, the Board for Professional Engineers and Land
27 Surveyors issued Structural Engineer License Number S1597 to Conway Cecil Cooke
28

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

3 JURISDICTION

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

7 5. Section 6731 provides:

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

13

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

16 6. Section 8759 provides in pertinent part:

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

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

26 (2) A description of any basis of compensation applicable to the contract, and the method of
27 payment agreed upon by the parties.
28

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

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

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

6 7. Section 8762 provides:

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

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

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

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

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

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

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

7 (c) The record of survey required to be filed pursuant to this section shall be filed within 90
8 days after the setting of boundary monuments during the performance of a field survey or within
9 90 days after completion of a field survey, whichever occurs first.

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

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

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

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

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

3 8. Section 8767 provides:

4 "If the county surveyor finds that the record of survey complies with the examination in
5 Section 8766, the county surveyor shall endorse a statement on it of his or her examination, and
6 shall present it to the county recorder for filing. Otherwise the county surveyor shall return it to
7 the person who presented it, together with a written statement of the changes necessary to make it
8 conform to the requirements of Section 8766. The licensed land surveyor or registered civil
9 engineer submitting the record of survey may then make the agreed changes and note those
10 matters which cannot be agreed upon in accordance with the provisions of Section 8768 and shall
11 resubmit the record of survey within 60 days, or within the time as may be mutually agreed upon
12 by the licensed surveyor or registered engineer and the county surveyor, to the county surveyor
13 for filing pursuant to Section 8768."

14 9. Section 8780 provides in pertinent part:

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

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

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

22 ...

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

25 ...

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

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

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

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

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

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

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

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

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

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

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

8 “(c) As used in this section, ‘board’ includes an individual who is authorized by any
9 provision of this code to issue, suspend, or revoke a license, and ‘license’ includes ‘certificate,’
10 ‘registration,’ and ‘permit.’”

11 COST RECOVERY

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

16 FIRST CAUSE FOR DISCIPLINE

17 (Failure to Enter Into Written Contract)

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

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

26 17. In or about 2003, Respondent performed the survey and set monuments for the
27 property boundaries. Respondent did not file a record of survey within 90 days as required by
28 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
Telephone: (213) 897-2554

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

1 into this stipulation for presentation to the Board.

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

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

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

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

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

1 proceedings and respondent understands the nature of the
2 petition.

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

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

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

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

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

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

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

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

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

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

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

8 **DISCIPLINARY ORDER**

9 **WHEREFORE IT IS FURTHER STIPULATED AND AGREED** by and
10 between the parties that the board may issue the following
11 findings of fact, determination of issues, and disciplinary order
12 as its decision and order in connection with accusation number
13 552-A.

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

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

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

1 and professional engineering.

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

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

11 D. Within six months from the effective date of the
12 Board's decision, respondent shall reimburse the Board
13 \$950.00 for the cost of investigation and enforcement of
14 this case. Respondent shall be permitted to reimburse the
15 Board in equal monthly installments.

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

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

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

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

7
8 DATED: 24 Sept 97.

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

Complainant

14 By: Original Signed
15 ALAN A. MANGELS
Deputy Attorney General
16 Attorney for Complainant

18 Original Signed
19 CONWAY CECIL COOKE
Respondent

20 /
21 /
22 /
23 /
24 /
25 /
26 /
27 /

1 DECISION AND ORDER

2
3 The Board of Registration for Professional Engineers
4 and Land Surveyors hereby adopts this stipulation as its decision
5 and order in this matter. This decision and order shall be
6 effective on the 5th, day of January, 1998.
7

8
9 DATED: December 4, 1997.

Original Signed

10 THE BOARD OF REGISTRATION FOR
11 PROFESSIONAL ENGINEERS AND LAND
12 SURVEYORS
13
14
15
16
17
18
19
20

21 AAM:jdz
22 03551110-LA97AD0258
23 a:\cooke.aam
24
25
26
27

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:

NO. 552-A

CONWAY CECIL COOKE
34658 Linda Rosa Road
Temecula, CA 92529
Registration Numbers: C 13860 and
S 1597

STIPULATION FOR
DISCIPLINE, DECISION
AND ORDER

Respondent.

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.

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

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

9 4. Respondent is represented by Roland W. Hall, Sr.,
10 Attorney At Law, 800 East Compton Boulevard, Compton, California
11 90221.

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

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

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

24 8. Respondent understands the nature of the
25 accusation.

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

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

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

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

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

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

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

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

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

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

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

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

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

27 In consideration of the foregoing stipulations, the

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

3 DISCIPLINARY ORDER

4 WHEREFORE IT IS FURTHER STIPULATED AND AGREED by and
5 between the parties that the board may issue the following
6 findings of fact, determination of issues, and disciplinary order
7 as its decision and order in connection with accusation number
8 552-A.

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

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

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

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

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

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

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

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

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

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

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

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

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

14
15 Dated: 1/11/94

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

Complainant

19
20 By: Original Signed
21 ~~HOOMAN ROWSHAN~~
Deputy Attorney General

22 Approved as to Form:

Attorney for Complainant

24 Original Signed
25 Roland W. Hall, Sr.
26 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.pla

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 HOOMAN ROWSHAN,
Deputy Attorney General
3 300 South Spring Street
Los Angeles, CA 90013
4 Telephone: (213) 897-2574

5 Attorneys for Complainant
6
7

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

11 In the Matter of the Accusation)
12 Against:)

NO. 552-A

ACCUSATION

13 CONWAY CECIL COOKE)
34658 Linda Rosea Road)
14 Temecula, California 92592)

15 Registration Numbers C 13860)
S 1597)

16 Respondent.)
17
18

19
20 The Complainant alleges:

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

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

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

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

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

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

15 THE GREENWICH VILLAGE SURVEY

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

- 23 1. "Rancho El Conejo tract" rather than
24 "Greenwich Village."
- 25 2. There is no identified basis of
26 bearing.
- 27 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.brpe1s

PETITION TO REVOKE PROBATION

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

5
6
7
8 BEFORE THE
BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS
9 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA
10

11 In the Matter of the Accusation) No. 552-A
12 Against:)
13) PETITION TO REVOKE
CONWAY CECIL COOKE) PROBATION
14 34658 Linda Rosea Road)
Temecula, CA 92592)
15)
Registration Numbers C 13860)
16 S 1597)
17 Respondent.)
18

19 The complainant alleges:

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

24 2. On or about February 15, 1963, the Board issued to
25 Conway Cecil Cooke (hereinafter "respondent") Civil Engineer
26 Registration Number C 13860 and on December 29, 1969, respondent
27 was granted Structural Engineer Registration Number S 1597.
28

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

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

5
6 March 5, 1997

7
8
9 *Original Signed*

10 CINDI CHRISTENSON, P.E.
11 Executive Officer
12 Board of Registration for Professional
13 Engineers and Land Surveyors
14 Department of Consumer Affairs
15 State of California

16
17
18 Complainant

19 03551110-LA97AD0258

20 AAM:jdz

21 a:\cooke

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 HOOMAN ROWSHAN,
Deputy Attorney General
3 300 South Spring Street
Los Angeles, CA 90013
4 Telephone: (213) 897-2574

5 Attorneys for Complainant

6
7 BEFORE THE
BOARD OF REGISTRATION FOR
8 PROFESSIONAL ENGINEERS AND LAND SURVEYORS
DEPARTMENT OF CONSUMER AFFAIRS
9 STATE OF CALIFORNIA
10

11 In the Matter of the Accusation
Against:

) NO. 552-A
)
)

12
13 CONWAY CECIL COOKE
34658 Linda Rosa Road
14 Temecula, CA 92529
15 Registration Numbers: C 13860 and
S 1597
)
)
)

) STIPULATION FOR
DISCIPLINE, DECISION
AND ORDER
)
)
)

16 Respondent.
17

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

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

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

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

9 4. Respondent is represented by Roland W. Hall, Sr.,
10 Attorney At Law, 800 East Compton Boulevard, Compton, California
11 90221.

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

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

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

24 8. Respondent understands the nature of the
25 accusation.

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

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

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

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

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

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

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

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

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

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

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

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

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

27 In consideration of the foregoing stipulations, the

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

3 DISCIPLINARY ORDER

4 WHEREFORE IT IS FURTHER STIPULATED AND AGREED by and
5 between the parties that the board may issue the following
6 findings of fact, determination of issues, and disciplinary order
7 as its decision and order in connection with accusation number
8 552-A.

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

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

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

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

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

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

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

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

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

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

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

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

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

14
15 Dated: 1/11/94

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

Complainant

19
20 By: Original Signed:
HOOMAN ROWSHAN
21 Deputy Attorney General

22 Approved as to Form:

Attorney for Complainant

23
24 Original Signed
25 Roland W. Hall, Sr.
26 Attorney for the Respondent

Original Signed
Conway Cecil Cooke
Respondent

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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.pla

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 HOOMAN ROWSHAN,
Deputy Attorney General
3 300 South Spring Street
Los Angeles, CA 90013
4 Telephone: (213) 897-2574

5 Attorneys for Complainant
6
7

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

11 In the Matter of the Accusation)
12 Against:)
13 CONWAY CECIL COOKE)
34658 Linda Rosea Road)
14 Temecula, California 92592)
15)
16 Registration Numbers C 13860)
S 1597)
17 Respondent.)

NO. 552-A

ACCUSATION

18
19
20 **The Complainant alleges:**

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

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

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

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

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

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

15 THE GREENWICH VILLAGE SURVEY

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

- 23 1. "Rancho El Conejo tract" rather than
24 "Greenwich Village."
- 25 2. There is no identified basis of
26 bearing.
- 27 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).

//

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27

2
3
4
5
6

7
8
9
10

11
12

13

14

15
16
17
18

19
20

21

22

24

25

26

27