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

11 In the Matter of the Accusation Against:

Case No. 989-A

12 **CHEE SEN LEE**
13 **817 De La Fuente Street**
14 **Monterey Park, CA 91754**

DEFAULT DECISION AND ORDER

15 **Civil Engineer License No. C 28034**

[Gov. Code, §11520]

16 Respondent.

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18 **FINDINGS OF FACT**

19 1. On or about May 9, 2012, Complainant Richard B. Moore, PLS, in his official
20 capacity as the Executive Officer of the Board for Professional Engineers, Land Surveyors, and
21 Geologists, Department of Consumer Affairs, filed Accusation No. 989-A against Chee Sen Lee
22 (Respondent) before the Board for Professional Engineers, Land Surveyors, and Geologists.
23 (Accusation attached as Exhibit A.)

24 2. On or about August 10, 1977, the Board for Professional Engineers, Land Surveyors,
25 and Geologists (Board) issued Civil Engineer License No. C 28034 to Respondent. The Civil
26 Engineer License expired on March 31, 2010, and has not been renewed.

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1 3. On or about May 21, 2012, Respondent was served by Certified and First Class Mail
2 copies of the Accusation No. 989-A, Statement to Respondent, Notice of Defense, Request for
3 Discovery; and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
4 Respondent's address of record which, pursuant to Business and Professions Code section 136, is
5 required to be reported and maintained with the Board. Respondent's address of record was and
6 is:

7 817 De La Fuente Street
8 Monterey Park, CA 91754.

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
11 124.

12 5. On or about May 25, 2012, the aforementioned documents were returned by the U.S.
13 Postal Service marked "Forwarding Address Expired." The address on the documents was the
14 same as the address on file with the Board. Respondent failed to maintain an updated address
15 with the Board and the Board has made attempts to serve the Respondent at the address on file.
16 Respondent has not made himself available for service and therefore, has not availed himself of
17 his right to file a notice of defense and appear at hearing.

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

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

24 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
25 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
26 989-A.

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

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

1 9. Pursuant to its authority under Government Code section 11520, the Board finds
2 Respondent is in default. The Board will take action without further hearing and, based on the
3 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
4 taking official notice of all the investigatory reports, exhibits and statements contained therein on
5 file at the Board's offices regarding the allegations contained in Accusation No. 989-A, finds that
6 the charges and allegations in Accusation No. 989-A, are separately and severally, found to be
7 true and correct by clear and convincing evidence.

8 10. Taking official notice of its own internal records, pursuant to Business and
9 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
10 and Enforcement is \$22,081.25 as of August 8, 2012.

11 DETERMINATION OF ISSUES

12 1. Based on the foregoing findings of fact, Respondent Chee Sen Lee has subjected his
13 Civil Engineer License No. C 28034 to discipline.

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

15 3. The Board for Professional Engineers, Land Surveyors, and Geologists is authorized
16 to revoke Respondent's Civil Engineer License based upon the following violations alleged in the
17 Accusation which are supported by the evidence contained in the Default Decision Evidence
18 Packet in this case:

19 a. Respondent failed to file a Record of Survey or Corner Record for forty-four (44)
20 different properties in violation of Business and Professions Code section 8780, subdivision (d),
21 in conjunction with section 8762, subdivisions (b) and (c).

22 b. Respondent aided and abetted the unlicensed practice of land surveying in violation
23 of Business and Professions Code section 8780, subdivision (f), in conjunction with section 8792,
24 subdivision (a).

25 c. Respondent failed to file or have on file with the board an organization record form
26 for his business in violation of Business and Professions Code section 8780, subdivision (d), in
27 conjunction with section 8729, subdivision (i).

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1 d. Respondent failed to notify the Board within thirty (30) days of a change of address
2 in violation of Title 16, California Code of Regulations section 412.
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4 ORDER

5 IT IS SO ORDERED that Civil Engineer License No. C 28034, heretofore issued to
6 Respondent Chee Sen Lee, is revoked.

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

11 This Decision shall become effective on October 5, 2012.

12 It is so ORDERED August 30, 2012.

13
14 Original Signed

15 FOR THE BOARD FOR PROFESSIONAL
16 ENGINEERS, LAND SURVEYORS, AND
17 GEOLOGISTS
18 DEPARTMENT OF CONSUMER AFFAIRS

19 51146176.DOC
20 DOJ Matter ID: LA2011601035

21 Attachment:
22 Exhibit A: Accusation
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Exhibit A

Accusation

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2 GLORIA A. BARRIOS
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Attorneys for Complainant
7

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

11 In the Matter of the Accusation Against:

Case No. 989-A

12 **CHEE SEN LEE**
13 **817 De La Fuente Street**
Monterey Park, CA 91754
14 **Civil Engineer License No. C 28034**

ACCUSATION

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about August 10, 1977, the Board for Professional Engineers, Land Surveyors,
23 and Geologists issued Civil Engineer License Number C 28034 to Chee Sen Lee (Respondent).
24 The Civil Engineer License expired on March 31, 2010, and has not been renewed.

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1 "(a) Who, unless he or she is exempt from licensing under this chapter, practices, or offers
2 to practice, land surveying in this state without legal authorization."

3 "(b) Who presents as his or her own the license of a professional land surveyor unless he or
4 she is the person named on the license."

5 7. Section 8762 states:

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

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

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

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

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

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

1 "(c) The record of survey required to be filed pursuant to this section shall be filed within
2 90 days after the setting of boundary monuments during the performance of a field survey or
3 within 90 days after the completion of a field survey, whichever occurs first.

4 REGULATORY PROVISIONS

5 8. Title 16, California Code of Regulations section 412 states:

6 "Each person who is an applicant for, or a holder of, a certificate or license issued by the
7 Board under provisions of the Professional Engineers Act or the Professional Land Surveyors'
8 Act shall file his/her address with the Board office. Within thirty (30) days after changing
9 addresses, he/she shall notify the Board office of such change."

10 COST RECOVERY

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

15 FIRST CAUSE FOR DISCIPLINE

16 (Failure to File a Record of Survey or Corner Record)

17 10. Respondent is subject to disciplinary action under section 8780 (d), in conjunction
18 with section 8762, subdivisions (b) and (c), in that Respondent conducted surveys and set
19 monuments but failed to file a Record of Survey or Corner Record for forty (44) different
20 properties. These properties are as follows:

- 21 a. 322 N. Meyers Street, Burbank, CA 91506.
- 22 b. 415 N. Meyers Street, Burbank, CA 91506.
- 23 c. 812 E. Santa Anita Ave., Burbank, CA 91501.
- 24 d. 910 N. Florence St., Burbank, CA 91505.
- 25 e. 2219 N. Naomi St., Burbank, CA 91504.
- 26 f. 610 N. Priscilla Ln., Burbank, CA 91505.
- 27 g. 2643 N. Parish Pl., Burbank, CA 91504.
- 28 h. 2649 N. Parish Pl., Burbank, CA 91504.

- 1 i. 634 N. Evergreen St., Burbank, CA 91505.
- 2 j. 2342 N. Keystone St., Burbank, CA 91504.
- 3 k. 2318 N. Keystone St., Burbank, CA 91504.
- 4 l. 1504 Edison Blvd., Burbank, CA 91505.
- 5 m. 218 N. Brighton St., Burbank, CA 91506.
- 6 n. 1810 N. Avon St., Burbank, CA 91505.
- 7 o. 400 N. Lincoln St., Burbank, CA 91506.
- 8 p. 841 N. Pass Av., Burbank, CA 91505.
- 9 q. 411 N. Shelton St., Burbank, CA 91506.
- 10 r. 572 E. San Jose Ave., Burbank, CA 91501.
- 11 s. 1020 N. Meyers St., Burbank, CA 91506.
- 12 t. 1131 N. Kenwood Ave., Burbank, CA 91505.
- 13 u. 1215 N. Lincoln St., Burbank, CA 91506.
- 14 v. 6517 Whitworth Dr., Los Angeles, CA 90035.
- 15 w. 1504 N. Valley St., Burbank, CA 91505.
- 16 x. 6507 Whitworth Dr., Los Angeles, CA 90035.
- 17 y. Calimali Rd., Los Angeles, CA.
- 18 z. 517 Birmingham Rd., Burbank, CA 91504.
- 19 aa. Figueroa St., Vacant Land, Glendale, CA. Portion of Lot A, Sicamoro Canon Tract,
20 MB 30, Pg. 37, Los Angeles County. Also shown as portion of Lot 10, Record of Survey Bk. 61,
21 Pgs. 48-50, Los Angeles County.
- 22 bb. 3219 Scott Rd., Burbank, CA 91504.
- 23 cc. 2713 Mansfield Dr., Burbank, CA 91504.
- 24 dd. 411 N. Naomi St., Burbank, CA 91505.
- 25 ee. 353 W. Elmwood Ave., Burbank, CA 91506.
- 26 ff. 401 W. Elmwood Ave., Burbank, CA 91506.
- 27 gg. 1823 W. Jefferson, Los Angeles, CA 90018.
- 28 hh. 246 W. Tujunga Ave., Burbank, CA 91502.

- 1 ii. 927 N. Parish Ave., Burbank, CA 91506.
2 jj. Lots 352 and 353 of Tract No. 798 on Cole Crest Drive in the City of Los Angeles.
3 kk. 1071 West 112th Street, Los Angeles, CA.
4 ll. 830 North Florence Street, Burbank, CA.
5 mm. 1125 & 1127 E. Windsor Rd., Glendale, CA.
6 nn. 1521 Melwood Dr. & City Land, Glendale, CA.
7 oo. 620 N. Orchard Dr., Burbank, CA.
8 pp. 1038 & 1034 E. Magnolia Blvd., Burbank, CA.
9 qq. 438 & 434 Parish Pl., Burbank, CA.
10 rr. 503 & 453 Parish Pl., Burbank, CA.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Aiding and Abetting Unlicensed Practice)**

13 11. Respondent is subject to disciplinary action under section 8780, subdivision (f), in
14 conjunction with section 8792, subdivision (a), in that Respondent aided and abetted the
15 unlicensed practice of land surveying. The circumstances are as follows:

16 a. On or about April 13, 2009, the Board received an anonymous complaint alleging Frank
17 Alvarado appeared on an episode of A&E's "Flip This House" doing a survey on a property
18 located at 1823 West Jefferson, Los Angeles, CA. The Board made contact with Frank Alvarado
19 and he faxed a copy of the map he completed on 1823 West Jefferson to the Board. The map had
20 Respondent's stamp and signature on it. Frank Alvarado has never been licensed as a civil
21 engineer or a land surveyor.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Failure to File an Organization Record Form)**

24 12. Respondent is subject to disciplinary action under section 8780, subdivision (d), in
25 conjunction with section 8729, subdivision (i) in that he is licensed as a civil engineer yet failed
26 to file and/or have on file with the board an organization record form for his business which
27 engaged in rendering professional land surveying services.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Failure to Notify Board of Change of Address)**

3 13. Respondent is subject to disciplinary action under Title 16, California Code of
4 Regulations section 412 section in that he failed to notify the Board within thirty (30) days of a
5 change of address. The circumstances are as follows:

6 14. On or about June 16, 2010, Board Investigator Scott Vredenburg attempted to
7 contact Respondent to interview him, however, mail to Respondent's address of record was
8 returned and Investigator Vredenburg was unable to contact Respondent at any of the other
9 addresses and telephone numbers provided to him.

10 **PRAYER**

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

- 14 1. Revoking or suspending Civil Engineer License Number C 28034, issued to Chee Sen
15 Lee;
- 16 2. Ordering Chee Sen Lee to pay the Board for Professional Engineers, Land Surveyors,
17 and Geologists the reasonable costs of the investigation and enforcement of this case, pursuant to
18 Business and Professions Code section 125.3; and
- 19 3. Taking such other and further action as deemed necessary and proper.
- 20
21

22 DATED: 5/09/12

original signed

23 RICHARD B. MOORE, PLS
24 Executive Officer
25 Board for Professional Engineers, Land Surveyors, and
26 Geologists
27 Department of Consumer Affairs
28 State of California
Complainant

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